

STAFF REPORT

HEARING DATE: Tuesday, May 2, 2006

TO: Board of Design Review

FROM: John Osterberg, Senior Planner
Randy Wooley, City Transportation Engineer

PROPOSAL: **DR 2005-0068, LO 2005-0003
(Town Square Too – Wal Mart)**

LOCATION: 11520 SW Barnes Road, located south of Barnes Road,
north of US Hwy. 26, and west of SW Cedar Hills Blvd.
Washington County Assessor Map 1S103A;Tax Lot 1700.

SUMMARY: The applicant requests Design Review Three (DR) and
Loading Determination (LO) for approval of proposed
development on the subject site. The scope of the DR
application is for development of an approximately
152,300 square foot retail building, a 4,265 sq.ft.
office/retail building, a 9,200 sq.ft. retail building, and
associated public and private streets, parking within open
lots and a parking garage, covered and uncovered outdoor
sales areas, landscaping, lighting, and off-site-storm
drainage, street, and traffic signal improvements.
Applicant also requests LO approval for a different
number and size of on-site truck loading spaces other
than the Development Code standard.

APPLICANT: Towne Square Too, LLC, 9755 SW Barnes Road Suite
690, Portland OR 97225
Contact: Lois Ditmars; J. Peterkort Properties
Represented by: PACLAND, 6400 SE Lake Road, Suite
300, Portland OR 97222. Contact: Daniel Boultinghouse

RECOMMENDATIONS: Staff recommend that the Board of Design Review
consider the materials, staff report and testimony and
DENY DR2005-0068 (Town Square Too – Wal Mart).

Staff recommend that the Board of Design Review consider
the materials, staff report and testimony and **APPROVE
LO2005-0003 (Town Square Too – Wal Mart)** subject to
conditions identified in Attachment D, at the end of this
report.

EXHIBIT 1.1: VICINITY MAP

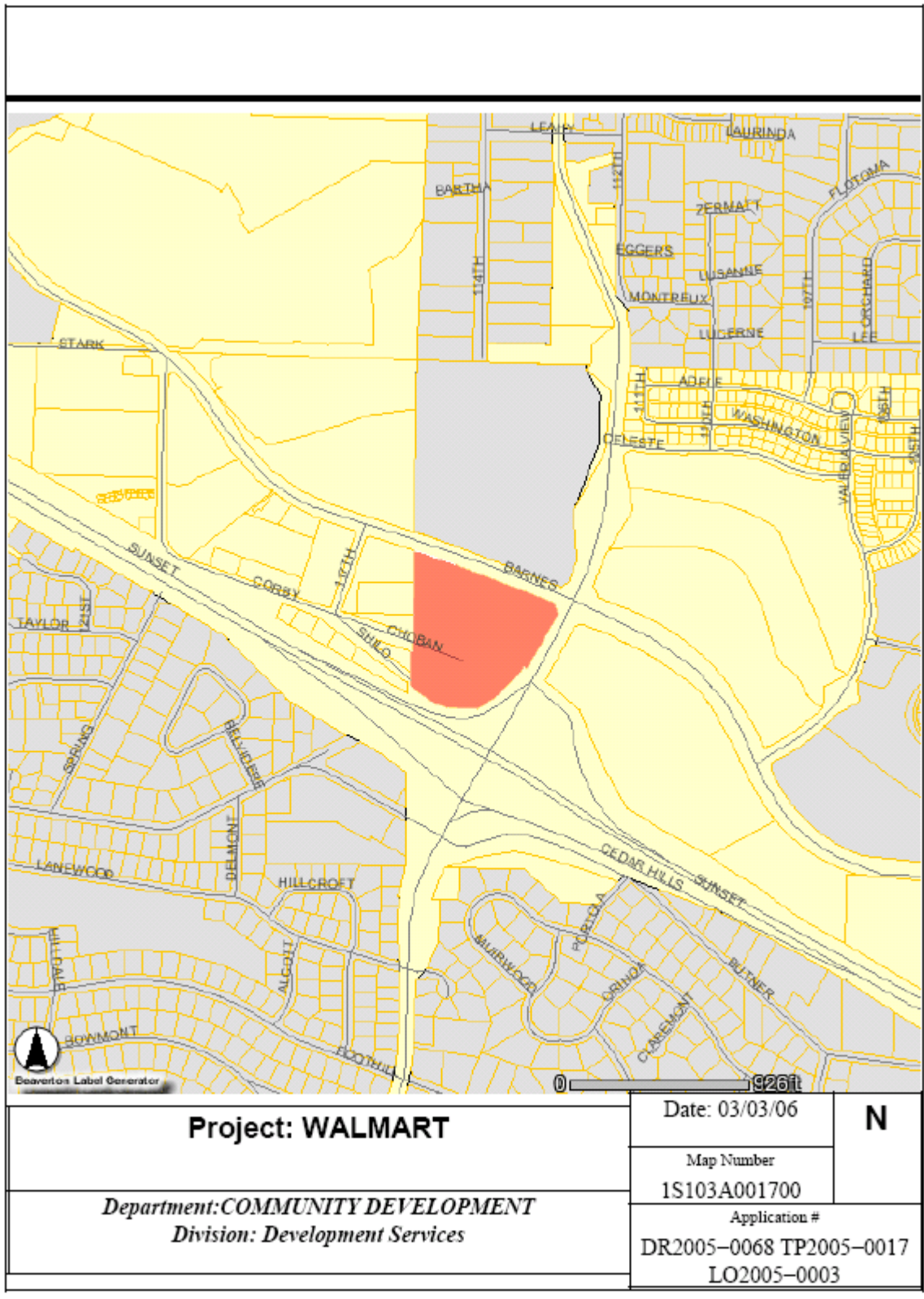


EXHIBIT 1.2 AERIAL PHOTO OF SITE



BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete*</u>	<u>Final Decision Due Date**</u>	<u>240-Day Date***</u>
LO 2005-0003	June 30, 2005	December 23, 2005	August 18, 2006	August 20, 2006
DR 2005-0068	June 30, 2005	December 23, 2005	August 18, 2006	August 20, 2006

* Pursuant to Section 50.25.7 of the Development Code, this is the date by which the City deemed the applications complete upon receiving such a request by the applicant. (Exhibit 2.9). Also see staff finding under Facilities Review Criterion 11.

** Pursuant to Section 50.25.8 of the Development Code, and by the submittal of time extensions and corresponding waivers of the 120 day decision deadline, this is the date by which the City shall provide an applicant with a final decision. The applicant's legal representative, Davis Wright Tremain LLP, has provided time extension/waiver requests on the following dates:

December 23, 2005: letter of completeness requesting initial 30 days

January 20, 2006: requesting additional 14 days

February 7, 2006: requesting additional 21 days

March 2, 2006: requesting additional 54 days

***Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Applicability of Washington County Development Code (WCDC)

The subject site became a part of the City of Beaverton on February 11, 2005. The City has not yet changed the County zoning district on the subject property to a City zoning designation. In those instances when a property located in the City has not received a City zoning designation, the City will implement the Washington County zoning designation for that property. Specifically, the City of Beaverton Development Code (CBDC) Section 10.40.1 provides for an application to be subject to the applicable provisions of the Washington County Community Development Code (WCDC), in cases where the City has not established its own zoning designation after annexation, except that the provisions of Chapters 30 through 80 of the CBDC shall supersede comparable provisions of the WCDC.

The City, at the time of the Pre-Application Conference, provided the applicant with a list of all WCDC and CBDC provisions with the potential to be applicable. Since that time, the City in its review, has further clarified which particular portions of the WCDC apply. Therefore, in accordance with Facilities Review Criterion 3, City staff

address the applicant's responses to County TO-RC zoning related standards, in effect on the date of application, June 30, 2005 with regard to their applicability and consistency with the applicable requirements thereof. Portions of the following County Code sections contain zoning regulations that are potentially applicable: Section 375, 377, 380, 405, 406, 407, 408, 409, 411, 413, 414, 417, 418, 419, 423, 429, 430, 431, 501, and 502. (Exhibit 2.4, Exhibit 2.5)

Existing Conditions Table (Also see Exhibit 2.5)

Zoning	Washington County zone: TO-RC; as shown on the Cedar Hills – Cedar Mill Community Plan (CH-CM CP) Transit Oriented – Retail Commercial		
Current Development	Primarily vacant land except for vacant former Fire Station		
Site Size	9.3 Acres		
NAC	CPO 1		
Surrounding Zoning and Uses		<u>Zoning:</u>	<u>Use of Land:</u>
	North	TO-R24-40 (County Transit Oriented High Density Residential 24 to 40 units per acre) located north of Barnes Rd	vacant
	South	(CH-CM CP) land use map shows area of State Hwy property as without zoning district designation	US Hwy 26 (Sunset Hwy).
	East	TO-RC (County Transit Oriented – Retail Commercial). (CH-CM CP) land use map shows area occupied by State Hwy. property as without zoning	Retail shopping center and area of State Hwy property used for Cedar Hills Blvd
	West	Northern portion: TO-RC (County Transit Oriented – Retail Commercial).	Restaurant and portion of site vacant
		Southern Portion: TO-BUS (County Transit Oriented – Business Commercial)	Office building

TABLE OF CONTENTS & EXHIBITS

Exhibit 1. Site Maps and Photos

Exhibit 1.1 Vicinity Map SR 2

Exhibit 1.2 Aerial Photo of Site SR 3

Exhibit 2. Materials Submitted by Staff

**Exhibit 2.1 Executive Summary of Major Concerns Raised in
Public Written Testimony and Staff Response** SR 11 – SR 18

Exhibit 2.2 Staff Report; as Attachments A through D (below)

Attachment A.1: Facilities Review Committee
Technical Review and Report **PAGE No.**
FR 1 – FR 23

Attachment A.2: Washington County Code
(Applicable requirements) Conformance Table FR 24 – FR 34

Attachment A.3: Chapter 60 (Beaverton
Development Code) Conformance Table, including
Landscape Tree Mitigation Worksheet FR 35– FR 41

Attachment B: Staff Report for LO 2005-0003
(Town Square Too – Wal Mart). The applicant
requests approval of a Loading Determination LO 1 – LO 5

Attachment C: Staff Report for DR 2005-0088
(Town Square Too – Wal Mart). The applicant
requests approval of a Type 3 Design Review. DR 1 – DR 34

Attachment D: Recommended Conditions of
Approval for all applications COA 1 – COA 14

**Exhibit 2.3 Washington County ‘A-Engrossed Ordinance No,
483’,(portion) adopted October 28, 1997, establishing in
part Transit Oriented Districts.** Contains description of
intended characteristics of the TO-RC district (p. 2 of 4).

**Exhibit 2.4 Washington County Development Code Sections:
Article III Sections 375, 377, 380; Article IV Sections 405,
406, 407, 408, 409, 411, 413, 414, 418, 419, 423, 429, 431;
Article V Sections 501, 502.**

Exhibit 2.5 Washington County Community Plan and Development Code Maps

- Exhibit 2.5.1 Land Use District Map B
- Exhibit 2.5.2 Significant Natural and Cultural Resources
- Exhibit 2.5.3 Protected Natural Resources – Portion of Sunset Transit Center Area
- Exhibit 2.5.4 Map showing Barnes-Peterkort Sub-Area
- Exhibit 2.5.5 Peterkort Property Master Plan Areas
- Exhibit 2.5.6 Peterkort Station Sub-Area
- Exhibit 2.5.7 Areas of Special Concern (ASC.1)
- Exhibit 2.5.8 Parking Maximum Designations
- Exhibit 2.5.9 Major Transit Stops, 300 Foot Buffer and Major Transit Stop Overlay
- Exhibit 2.5.10 Local Street Connectivity
- Exhibit 2.5.11 Special Area Streets, Street Corridor and Arterial Access Designations
- Exhibit 2.5.12 Pedestrian Connectivity areas
- Exhibit 2.5.13 Pedestrian System Designations
- Exhibit 2.5.14 Cedar Mill Town Center Core
- Exhibit 2.5.15 Transportation Functional Classification Map

Exhibit 2.6 Map of Tri-Met bus service and bus stops in the Barnes Road / Cedar Hills Blvd./Albertson's Store area.

Exhibit 2.7 City Memorandum of Notice of Annexation and Map; Approved by the City of Beaverton (ANX 2004-0013, dated January 14, 2005). Annexation of 139 acres in the area of Barnes Road and Cedar Hills Blvd.

Exhibit 2.8 City letter of Facilities Review Committee's determination that of Town Square Too – Wal Mart applications incomplete, dated July 27, 2005. Includes attachment by Randy Wooley (City), and attachments by ODOT and Washington County

Exhibit 2.9 Letter by E. Michael Connors, Davis Wright Tremaine LLP, to the City, dated December 23, 2005. Letter references response to City's incompleteness letter, includes request to deem application complete pursuant to ORS 227.178(2)(a, b), and provides first waiver and time extension for City application processing (ORS 227.178(5).

- Exhibit 2.10 Public Notice of Board of Design Review hearing and City review of Town Square Too - Wal Mart applications, mailed March 9, 2006.** Includes attached notice map and 3 notice lists comprising total of 1500 individuals providing written testimony on or before March 6, 2006.
- Exhibit 2.11 Letter by Phil Healy Senior Planner, including memo by Jinde Zhu PE, Traffic Engineer, Washington County, dated March 3, 2006.**
- Exhibit 2.12 Letter by Lainie Smith, AICP, Planning & Finance Manager ODOT, dated March 24, 2006** (updates and replaces previous letter of March 3, 2006, not in the record).
- Exhibit 2.13 Memo by Joseph Auth PE, and Martin Jensvold PE, ODOT, dated March 24, 2006.** (updates and replaces previous memo of March 3, 2006, not in the record).
- Exhibit 2.14 Letter by John K. Dalby, Deputy Fire Marshal, TVF&R, dated March 23, 2006.** (Submitted by TVF&R as Facilities Review comment)
- Exhibit 2.15 Letters by Affected Waste Haulers**
(1) Washington County Drop Box Services, Inc., dated March 24, 2006
(2) Walker Garbage Service dated March 27, 2006.
- Exhibit 2.16 Site Plan portion (Sheet C-1.0) by PACLAND showing areas of proposed right-of-way dedication, dated March 27, 2006.**
- Exhibit 2.17 Letter by Lois Ditmars, VP, J. Peterkort & Co., dated March 28, 2006.** Re: intent to dedicate right-of-way for Wal Mart roadway improvements.
- Exhibit 2.18 City Ordinance 4384, ‘Ordinance Prohibiting Vehicle Camping in Parking Lots Associated with Commercial Structures’.** Approved March 7, 2006, dated as received March 29, 2006.
- Exhibit 2.19 Sign-In Sheet for Facilities Review Meeting dated April 5, 2006.**

Exhibit 2.20 Letter by George and Anastasia Choban, with regard to Wal Mart development and access modification, dated April 5, 2006. Includes attached Notice of Washington County land use approval, Casefile 04-521-E (dated January 13, 2005), approving gas station, retail, office development on Choban property.

Exhibit 3. Materials Submitted by Applicant (Provided under separate cover)

Exhibit 3.1 Development applications and all written materials submitted for Town Square Too – Wal Mart, revised dated April 20, 2006. Provided under separate attachment. Older versions of documents have been superseded by the applicant's submittal of the April 20, 2006 materials. Older documents by the applicant remain on file at the City, but are not provided to the Board of Design Review. Copies are available, subject printing charges, upon request.

Exhibit 3.2 The following documents submitted by the applicant have not been re-submitted to the Board of Design Review as part of the April 20, 2006 materials. Such documents are not printed for review, but are part of the record. Copies are available, subject printing charges, upon request.

Ex. 3.2.1 Phase 1 Environmental Site Assessment and Business Environmental Risk Evaluation, Proposed Retail Development, by GeoEngineers, dated February 25, 2004.

Ex. 3.2.2 Draft Final Report, Geotechnical Engineering Services, Proposed Retail Center Cedar Hills, Oregon, dated January 10, 2005, by GeoEngineers.

Ex. 3.2.3 Materials Board – Proposed Wal Mart, by Perkowitz+Ruth Architects, dated March 4, 2005 (dated as received June 30, 2005). The Materials Board will be presented to the BDR at the public hearing and is available for public inspection. The Materials Board is the companion document to the Description of Materials & Finishes contained within the applicant's April 20, 2006 submittal.

Exhibit A. Public Testimony received by the City on or before March 6, 2006. (Provided under separate cover).

Written testimony will be available in two forms: on compact disk (CD) and a limited number of copies on paper. For the BDR staff reports, staff provide a chronological listing, in addition to the written testimony, of all parties who have provided comment by E-Mail or by letter between June 10, 2005 and March 6, 2006.

Exhibit A.1 All testimony received by the City during June and July of 2005.

Exhibit A.2 All testimony received by the City during August of 2005.

Exhibit A.3 All testimony received by the City during September of 2005.

Exhibit A.4 All testimony received by the City during October of 2005.

Exhibit A.5 All testimony received by the City during November and December of 2005.

Exhibit A.6 All testimony received by the City during January of 2006.

Exhibit A.7 All testimony received by the City during February of 2006.

Exhibit A.8 All testimony received by the City between March 1, 2006 and March 6, 2006.

Exhibit B. Public Testimony received by the City on or after March 7, 2006, but prior to the final date available for submittal of public testimony prior to the Board of Design Review decision. (Provided under separate cover)

Staff provides a chronological listing, in addition to the written testimony, of all parties who have provided comment during the time frame stated above

Exhibit B.1 All testimony received by the City between March 7 of 2006 and March 31, 2006.

Exhibit B.2 All testimony received by the City during April of 2006.

Exhibit B.3 All testimony received by the City during May 2006, but prior to the final date available (not determined at this time) for submittal of public testimony as part of the record of the Board of Design Review decision.

EXHIBIT 2.1

Executive Summary of Major Concerns Raised in Public Written Testimony and Staff Response

THIS PAGE INTENTIONALLY LEFT BLANK

EXECUTIVE SUMMARY OF MAJOR CONCERNS and STAFF RESPONSE

The following is staff's summary of some of the major questions and concerns expressed by the public on this development proposal. The concerns used in this section are not necessarily direct quotes from comments received, but are intended to be representative of the comments received.

Transportation Issues; by Randy Wooley, City Transportation Engineer

CONCERN: *The traffic impact analysis is flawed. There will be more traffic than indicated in the traffic analysis. The streets cannot carry the amount of traffic projected.*

RESPONSE: The traffic engineering staff from ODOT, the City of Beaverton, and Washington County have reviewed the traffic analysis in great detail over the past year. The joint review began when the applicants first submitted their application in June of 2005. The applicants have addressed all of the issues raised by the three agencies. The City is satisfied that the traffic analysis is thorough and complies with all requirements of the three agencies.

Staff note that the proposed development and the off-site improvements are consistent with the traffic study that supports the Peterkort master plan approved by the County Hearings Officer in January of 2000. (See Figure 6B and Table 6 of *Peterkort Development Transportation Master Plan* prepared by Transportation Consulting Group and dated May 1999.) That study assumed that the Town Square Too site would be developed with a retail center generating 7670 trips per day and two restaurants generating 2136 trips per day. So, the master plan assumed more traffic than Wal-Mart is expected to generate. The intersection widening proposed by Wal-Mart is consistent with the lane configurations shown in the master plan document. The master plan envisions that additional turn lanes will be needed in the future and that those turn lanes will be constructed in conjunction with development of the remaining Peterkort property.

The traffic analysis demonstrates that the ratio of traffic volume to intersection capacity (the v/c ratio) will actually be improved at critical intersections under the Wal-Mart proposal.

CONCERN: *Will there be a traffic island at the southwest corner of Cedar Hills and Barnes?*

RESPONSE: Yes, a raised traffic island and pedestrian refuge is proposed for the southwest corner. Pedestrians will be able to wait in the island, reducing the distance for crossing Cedar Hills or Barnes.

CONCERN: *The proposed intersection widening creates too many lanes. Drivers will not be able to understand and negotiate such wide intersections.*

RESPONSE: The widest section will be on Cedar Hills Boulevard on the south side of Barnes. This approach will have 8 lanes for motor vehicles and 2 lanes for bicycles. By comparison, the intersection of Murray Boulevard and Tualatin Valley Highway has 7 vehicle lanes plus 2 bike lanes on two of its approaches. The Cedar Hills Blvd. approach will have two through-lanes, dual left-turn lanes and a right-turn lane. These are all lane configurations that are common in our area. Staff anticipate that drivers will have no problem understanding these lanes on the street.

CONCERN: *There will be increased cut-through traffic on residential streets including 84th Avenue, Park Way, and 107th.*

RESPONSE: 84th Avenue serves primarily the residential area north of St. Vincent Hospital. Park Way serves primarily a portion of Cedar Hills. It seems likely that the residents of these two areas are already using the streets to travel to more distant retail centers. Neither street appears to be an attractive route for access to Wal-Mart from areas beyond the immediate neighborhood. To the extent that residents of the two areas shop at the new Wal-Mart facility, it seems unlikely to have any significant impact on traffic volumes on the two streets.

SW 107th Avenue north of the Peterkort development is already experiencing substantial traffic volumes. We anticipate that traffic on this street will continue to increase as development continues on the Peterkort properties. The 1999 Peterkort Master Plan anticipated that SW 107th and other nearby streets would carry more than the typical residential street traffic volumes. The Master Plan forecast that SW 107th north of Adele Drive would carry over 3800 vehicles per day by 2015. Residential streets typically carry less than 1000 trips per day. As development of the Peterkort properties continues, traffic on SW 107th can be expected to increase. This growth is consistent with the Master Plan approved by the County in 2000.

CONCERN: *There will be substantial traffic impacts on Cornell Road. Wal-Mart traffic will use Cornell as a connection to Highway 26.*

RESPONSE: Staff disagrees. It will be more convenient and more direct for drivers to use the Cedar Hills interchange to access Wal-Mart. Changes to the eastbound off-ramp at Cedar Hills will make it easier to access Cedar Hills Boulevard.

CONCERN: *The additional traffic signals will increase delays.*

RESPONSE: As part of the traffic analysis, work was done to assure the three agencies that the signals can be coordinated along Cedar Hills and along Barnes. The proposed conditions of approval require installation of wiring to provide for signal coordination. If the signals are properly timed to work in coordination, there should be little increase in delays along the two streets.

CONCERN: *Emergency responses to St. Vincent Hospital will be delayed.*

RESPONSE: The traffic analysis indicates that all critical intersections will have a volume-to-capacity ratio at least as good as today with the proposed mitigation. Therefore, delays should be no worse than today. In addition, all signals will include preemption for emergency vehicles, providing a green signal to clear a path for fire trucks and other authorized vehicles.

CONCERN: *The project will cause increased costs to the City, including infrastructure and public safety.*

RESPONSE: This property will pay development fees, property taxes and utility fees at the same rates as all other properties in the City. These fees and taxes are presumed adequate to cover any increased maintenance costs. All required road improvements will be provided by the applicants at their cost.

CONCERN: *The Teufel development is already adding traffic to the area. Also, the traffic due to Teufel has't been considered in the analysis.*

RESPONSE: The Teufel development is already adding traffic to area streets. The Teufel development has been required to provide street improvements. The Wal-Mart traffic analysis includes the expected traffic from the Teufel development.

CONCERN: *Should Wal-Mart pay a bigger share of the proposed pedestrian and bicycle pathway along the west side of Cedar Hills Boulevard?*

RESPONSE: Originally, County and ODOT transportation plans did not include any pedestrian improvements along the west side of Cedar Hills. Instead, they expected to direct pedestrians and bicycles to a widened sidewalk along the east side of Cedar Hills. During the Wal-Mart review, the two agencies reviewed their plans and concluded that bicycle and pedestrian facilities are needed along both sides of Cedar Hills Boulevard. ODOT developed the concept plan and cost estimate for the undercrossing of the westbound freeway ramp based on a similar successful crossing in Eugene. ODOT hopes to fund the undercrossing and connecting facilities through a grant. The Wal-Mart contribution of \$62,500 will help to pay the local match require by the grant.

Wal-Mart is not the primary reason for the undercrossing. The undercrossing is primarily intended to serve existing bike and pedestrian traffic and increased traffic from future residential development in the area. Some Wal-Mart employees may walk or bike to work. Customers, however, are likely to arrive mostly by automobile, due to the typical amount of purchases at similar stores. Since Wal-Mart has demonstrated that they will be providing more than their roughly proportional share of transportation improvements, staff concludes that the City has no basis to require any additional contribution to the undercrossing project.

Under the proposed conditions, Wal-Mart will provide any grading or retaining walls needed along its frontage to allow for the future construction of the undercrossing.

CONCERN: *How will pedestrians be able to cross the very wide intersections?*

RESPONSE: Signal timing is set based on crossing width to allow sufficient time for pedestrians to cross. Long crossing times will be required. City staff was more concerned that the very long pedestrian crossing times would negatively affect the vehicle capacity at the intersections. This concern was addressed in the traffic study.

**Land Use and Design Concerns: by John Osterberg Senior Planner,
Development Services Division**

CONCERN: *The site is zoned TO-RC by Washington County. How can this property be reviewed by the City of Beaverton? How can this proposal be reviewed by something other than the County's TO-RC zoning requirements?*

RESPONSE: The Washington County Community Plan zones this site TO-RC, but the property has been annexed to the City of Beaverton. (Exhibit 2.7). Until such time that the City establishes City zoning, development on the site can be reviewed by either the City or the County, in accordance with the County Development Code standards. To that end, the property owner and the City agreed to submit an Inter-Governmental Agreement (IGA) to Washington County to allow the County to review and process the land use application for the development of the subject site. Washington County declined to enter into the proposed IGA and therefore declined to process the Wal Mart applications. The City's Development Code requires that the City use the County's Code standards unless there are comparable City standards to use in the review. This is more fully explained in the staff report.

CONCERN: *The site is zoned Transit Oriented – Retail Commercial(TO-RC) by Washington County. How can this property be proposed for a Wal Mart store?...Wal Mart is a 'big box' store that attract customers from a large areas and is not local or a transit-oriented business. We would like different types of retail stores.*

RESPONSE: Washington County's TO-RC zone (Sec. 375 of Exhibit 2.4) permits retail stores, shopping centers, in addition to a wide variety of other uses, outright. In Washington County's 1997 adoption of Ordinance No. 483, (Exhibit 2.3) which established Transit Oriented Zoning Districts, the County states, in part, the following purpose for the TO-RC zone: *"The TO-RC zone is primarily intended to provide goods and services needed by people living and working in LRT station communities. Uses in the district must be pedestrian oriented in design and function... Retail uses that market primarily to an area larger than the station community may also be allowed if located at least one quarter mile from the LRT Station."* Neither City or County regulations provide a way to pick or choose the stores or products that neighbors would like to have nearby.

CONCERN: *How can Wal Mart be approved in a Transit Oriented District? The County Development Code's purpose statement for Transit Oriented Districts (Section 375-1) states: "The intent of transit oriented districts is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately one-half mile of light rail stations, within one-quarter mile of existing and planned primary bus routes and in town centers and regional centers."*

RESPONSE: Washington County establishes a variety of transit oriented zoning districts. Some of the specific zoning districts and planning sub-areas contain a higher level of pedestrian and transit oriented development requirements than what is found in the TO-RC-district. Staff conclude that the TO-RC zoning district located at the intersection of Barnes Road, US 26, and Cedar Hills Blvd. is established at that area because the site is not within one-half mile of the Sunset LRT / Transit Center, and is not within a Town Center or Regional Center. (Exhibit 2.5.14). The site does abut Tri-Met bus routes, but is not within the area designated by Washington County as having convenient access within 300 feet of a Major Transit Stop, whereby such sites are subject to a greater degree of transit-oriented regulations. (Exhibit 2.5.9) (Exhibit 2.6)

In any case, neither the City nor the County can use zoning purpose statements to be criteria for approval. Purpose statements found in Development Codes, whether cited by staff, public or applicant, (Exhibit 2.3, Exhibit 2.4) describe the purpose or intent of a zone but are not the criteria, standards or guidelines established by the Code for review. Criteria, standards and guidelines are adopted in Code's to implement the objectives of purpose statements. The County's TO-RC zone, as supplemented by portion of the City's Development Code, implement the purpose statement for that specific area of the Transit Oriented District that contains the proposed Wal Mart site.

CONCERN: *The site is within or near the Cedar Mill Town Center... The site is within or near the Peterkort Station Area near the Sunset Transit Center. How can a Wal Mart be proposed in these highly transit and pedestrian oriented areas?*

RESPONSE: It is correct that these two sub-areas of the Cedar Mill-Cedar Hills Community Plan are intended to be highly transit and pedestrian oriented. The Wal Mart site is not within the boundaries of either the Cedar Mill Town Center or the Peterkort Station Area. (Exhibit 2.5.6, Exhibit 2.5.14). Neither the City nor County Codes provide the ability to consider standards and requirements for these two areas, when reviewing proposed development, and to apply them to the Wal Mart site.

CONCERN: *Wal Mart will not a good neighbor because of their corporate business practices, employee wages and impact on local business.*

RESPONSE: Neither City or County development review criteria and regulations provide a way for the review of any of these or similar concerns. The City can only consider the criteria for approval listed in the Development Code.

CONCERN: *Wal Mart will not appeal to people in the nearby neighborhood, because of the products they sell... Wal Mart is not desirable because of the type of people who will want to shop there. Wal Mart will probably lower property values.*

RESPONSE: Neither City or County development review criteria and regulations provide a way to consider these or similar matters. Consideration of property values is not part of development review, and questions about property values are best left to the Washington County Department of Assessment and Taxation.

CONCERN: *I hear that Wal Marts attract crime.... I saw a report on the local news about a Wal Mart in Portland that had meth users in the parking lot overnight. What about other people who want to camp overnight or trespass in the Wal Mart parking lot?*

RESPONSE: The potential for criminal behavior is an issue that is addressed by staff in the staff report. The City prohibits overnight camping in store parking lots. (Exhibit 2.18). Staff recommend that, if the Board of Design Review approves the applications, that they adopt a condition of approval that requires Wal Mart to sign a Trespass Agreement to allow the City Police Department to enter the parking lot without delay in order to patrol the lot and make arrests if necessary. The City will also require signs placed in the lot to advise potential campers that overnight parking is prohibited. The City has not received information that leads us to conclude that Wal Mart would attract an excessive amount of crime or to conclude that the Police Department could not effectively provide police services to the site.

EXHIBIT 2.2

Staff Report Sections; as Attachments

THIS PAGE INTENTIONALLY LEFT BLANK

ATTACHMENT A.1

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
DR2005-0068, LO2005-0003 Town Square Too – Wal Mart**

Revised: April 25, 2006

Major Issues

- Traffic impacts to surrounding area
- Fire & Emergency vehicle access to the site
- Storm water drainage proposal; CWS as service provider.
- Location and use of off-street loading
- Potential for City Police Dept. response calls to the site
- Need for the Tree Plan (TP 2005-0017)

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the three (3) submitted applications as identified below:

- The Design Review application DR 2005-0068, is subject to Criteria #1 through #11.
- The Loading Determination application LO 2005-0003 is subject to Criteria #4 and #6.

- 1. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.***

Facts and Findings:

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The proposal includes necessary on-site and off-site connections and improvements to public water, public sanitary sewer and storm water drainage facilities. The City's Development Review Engineer has reviewed

the applicant's proposal and has identified conditions of approval at the end of this report to ensure that the project will have adequate sanitary sewer, storm sewer, and public water to serve the building and site improvements that meet City standards. Therefore, proposed public utilities and easements are modified by the Committee's conditions of approval.

Section 60.55.10.1 states: *“All transportation facilities shall be designed and improved in accordance with the standards of this Code and the Engineering Design Manual and Standard Drawings. In addition, when development abuts or impacts a transportation facility under the jurisdiction of one or more governmental agencies, the City shall condition the development to obtain permits required by the other agencies”.*

Fire Protection

Comments on the proposal (Exhibit 2.14) have been submitted by Tualatin Valley Fire & Rescue (TVFR) dated March 23, 2006, with regard to need for emergency vehicle access to the site. TVFR indicates that such a driveway with a gate is needed to provide the primary fire/emergency access to the site from Cedar Hills Blvd. Because Cedar Hills Blvd. along the site frontage south of Barnes Road is an ODOT facility, and not a County Road, ODOT will have to approve access through their own permit process. However, at this time, ODOT has not approved a permit or otherwise provided acceptance of emergency vehicle access at that location. The applicant proposes secondary fire/emergency right-in/right-out access to the pedestrian plaza area (between the proposed two buildings) from Barnes Road, in addition to other secondary access points via the proposed new private street and truck access route. However, in accordance with TVFR's response, the secondary access points do not replace the need for primary access from Cedar Hills Blvd. With a condition of approval requiring ODOT's access approval and that TVFR access be designed and shown on the site development plans, using a commercial driveway approach on Cedar Hills Blvd., the proposal will provide adequate fire access for fire suppression and emergency services. Facilities Review recommended conditions of approval, if adopted, require final sign off of site development (construction) permits and building permits by TVF&R, and the review of fire-flow calculations, to demonstrate meeting TVF&R and City Building & Fire and Life Safety requirements prior to issuance of a building permit.

Transportation:

Section 60.55.20 of the City of Beaverton Development Code (CBDC) requires a traffic impact analysis for any development proposal that will generate more than 200 new trips per day. To satisfy this requirement, the original application included a traffic impact analysis (TIA) dated June 2005 by The Transpo Group. (Exhibit 3). The original traffic document was replaced by a revised traffic impact analysis dated December 2005 and also prepared by The Transpo Group. Additional information was provided in memoranda dated March 1, March 22 and

March 28, 2006, from Bruce Haldors and Michael Swenson of The Transpo Group in response to questions raised by the reviewing agencies. City staff review is based on the December 2005 TIA, as revised by the memorandum of March 1, 2006, the memorandum of March 22, 2006, and the memorandum of March 28, 2006.

The area reviewed under the traffic analysis includes roads under the jurisdiction of three agencies. The Oregon Department of Transportation (ODOT) has jurisdiction on Highways 26 and 217, including the interchange areas. ODOT jurisdiction includes Cedar Hills Boulevard between Barnes Road and Butner Road (but excluding the intersections at Barnes and at Butner). ODOT jurisdiction also includes the intersection of Highway 217 ramps and Barnes Road. Washington County has jurisdiction on Barnes Road (except the Highway 217 intersection), on Cedar Hills Boulevard from the Barnes Road intersection north, on Cedar Hills Boulevard from the Butner Road intersection south, and on Butner Road. The City of Beaverton has jurisdiction on SW 117th Avenue, Choban Lane, Celeste Lane and Valeria View Drive.

Barnes Road and Cedar Hills Boulevard are classified as arterials in Figure 6.4 of the City's Comprehensive Plan. SW 117th Avenue and Choban Lane are classified as local streets.

Under the City's Development Code, traffic analysis is required for the Area of Influence, which includes all major intersections where the new traffic generated by the development exceeds 5 percent of the existing traffic in the peak hour. The TIA shows the Area of Influence to include the following:

- Barnes Road from Saltzman Road to the entrance to the Sunset Transit Center;
- Cedar Hills Boulevard from Celeste Lane to the eastbound off-ramp from Hwy. 26.

In addition, the project site is subject to conditions of a past Washington County Hearing's Officer decision related to properties owned by Peterkort on issue 99-456-PLA/P/S/D(R)/D(CI)/DHA/V/M). A condition of the County Hearings Officer's decision requires traffic safety analysis for the areas where the cumulative impacts from all Peterkort properties exceeds 10 percent of existing traffic. ODOT concludes that the added traffic from the proposed development contributes to a safety concern, namely the extension of the vehicle queue on the northbound off-ramp from Highway 217 to Barnes Road. ODOT is concerned that the queue will extend into the portion of the ramp needed for safe deceleration from freeway speeds. On this basis, the Hearings Officer's condition has added the intersection of Barnes Road and Highway 217 to the required study area. The Hearings Officer's decision also provides that improvements may be required on Butner Road if necessary for adequate operation of a traffic signal at the intersection of Cedar Hills Boulevard and the eastbound off-ramp from Highway 26.

Section 60.55.20.4 of the CBDC requires that the TIA review traffic operation within the Area of Influence on the projected date of opening of the new facility. In addition, the Code requires analysis of impacts on long-term traffic needs within the Area of Influence and discussion of how the proposed development will provide its roughly proportional share of the long-term improvement needs.

The TIA estimates that the proposed Town Square Too development will generate an additional 7,400 vehicle trips per day (3,700 trips into the site and 3,700 trips out of the site). The TIA provides detailed analysis of trip impacts during the weekday morning and evening peak traffic periods and during the peak Saturday traffic period. The March 1, 2006 memorandum estimates 60 truck deliveries per week to the site (30 semi-truck/trailer combinations and 30 single-unit trucks).

Highway 26 is under construction in the area of the proposed development. During construction, some freeway ramps have been closed. As a result of the new construction, the freeway ramp configuration is being revised, especially the connections at Highway 217 and at Cedar Hills Boulevard. As a result, the TIA had to estimate some of the changes in traffic distribution that will result from the freeway revisions. ODOT has requested that new traffic data be collected after the opening of all new freeway ramps and that the new traffic data be used to refine the intersection design, where applicable, during preparation of final construction drawings.

ODOT estimates that the new ramp configurations will be completed and opened to traffic in the near future. It is anticipated that motorists will have established their new trip patterns within two or three months after the ramps are opened to traffic. At that time, new traffic count data could be collected, providing a more reliable measure of traffic distribution to the freeway ramps. Therefore, ODOT has requested that new counts be taken two or three months after the ramps are open and that ODOT have some flexibility to reduce the required mitigation at the intersection of Barnes Road and the Highway 217 ramp if the new counts indicate that the reduced mitigation can meet City and ODOT standards.

In estimating traffic volumes, the TIA has included estimated traffic from other nearby developments that have received approval but have not yet been completed. This includes the large residential development currently under construction on the Teufel nursery site north of Barnes Road west of the applicants' site.

The residential development at the Teufel Nursery property was approved by the City Planning Commission in Order No. 1751 dated October 8, 2004. The Order provides that, prior to occupancy of the 501st unit of the Teufel development, certain improvements shall be completed at the intersection of Cedar Hills

Boulevard and Barnes Road. The required improvements include a second left-turn lane on the northbound approach, an additional westbound through lane, an additional eastbound lane and associated modifications to traffic signals.

Substantial coordination has occurred between the design engineers for the Teufel development, the design engineers for the Town Square Too development and the road jurisdictions to assure that the work proposed by each development is compatible with the long-term improvement needs.

The Town Square Too applicants assume that the Teufel development will complete their intersection improvements prior to the time that Town Square Too development begins construction. Staff concur with that assumption, but is not guaranteed. The TIA provides no separate analysis to define what would be needed if the Teufel improvements are not in place. Therefore, the recommended conditions have been written to require that all capacity improvements shown in the TIA, including those conditioned on the Teufel development, be completed prior to occupancy of the Town Square Too site. If the Teufel project does not proceed on the anticipated schedule, Town Square Too would be required to complete the Teufel improvements or to delay building occupancy until the improvements are completed by others.

The TIA recommends a number of additional capacity improvements on Barnes Road, Cedar Hills Boulevard and the freeway ramps. Recommended improvements include:

- A new traffic signal at the intersection of Barnes Road and 117th Avenue.
- A new traffic signal at the intersection of Barnes Road and the proposed site access road.
- A new traffic signal at the intersection of Cedar Hills Boulevard and the eastbound ramps of Highway 26.
- Widening of Barnes Road to provide two through lanes plus a bike lane in each direction between Cedar Hills Boulevard and 117th Avenue.
- Sidewalk along the site frontage on Barnes Road and Cedar Hills Boulevard.
- Additional widening to provide dual left-turn lanes on westbound Barnes Road at the proposed site access road.
- Additional widening to provide dual right-turn lanes on eastbound Barnes Road at Cedar Hills Boulevard.
- Widening of Cedar Hills Boulevard north of Barnes Road to provide an additional northbound lane and an additional southbound lane.
- Widening to provide an additional northbound through lane on Cedar Hills Boulevard between Barnes Road and the westbound off-ramp from Highway 26.
- Ramp widening to provide a separate right-turn lane on the eastbound off-ramp from Highway 26 at Cedar Hills Boulevard.
- Widening on Cedar Hills Boulevard to provide a northbound right-turn lane between Butner Road and the eastbound on-ramp to Highway 26.

- A contribution towards the future construction of an underpass for pedestrians and bicyclists under the westbound on-ramp from Cedar Hills Boulevard to Highway 26.
- Signing, striping and signal revisions to accommodate the above changes.
- Dedication of additional right of way to accommodate the above changes.

The TIA includes review of the intersection of Barnes Road and Highway 217, as required by the previous decision of the County Hearings Officer. The Transpo memorandum of March 22, 2006, provides additional information. After review of the information provided, ODOT has recommended alternative mitigation measures at the intersection to maintain traffic safety on the northbound off-ramp from Highway 217. The applicants have indicated verbally that they have no objections to the alternative measures recommended by ODOT. The ODOT recommendation includes:

- Provision of an additional westbound lane on Barnes Road between Baltic Avenue and the Highway 217 intersection.
- Extension of the northbound right turn lane on Highway 217 ramp approach to Barnes Road.

The capacity and safety improvements recommended by the TIA are all included in the proposed conditions of development approval, except for those recommendations regarding the intersection of Barnes Road and the ramps to Highway 217. Staff will use ODOT recommended mitigation as conditions for the intersection of Barnes Road and the Highway 217 ramps.

City, County and ODOT staff have reviewed the TIA. County findings and recommended conditions are shown in the letter from Phil Healy dated March 3, 2006. ODOT findings and recommended conditions are shown in the revised letter from Lainie Smith dated March 24, 2006.

In order to construct the recommended capacity improvements, the applicants will need to obtain additional approvals from ODOT and Washington County. The March 24, 2006, letter from ODOT and the March 3, 2006, letter from Washington County explain the processes and approval criteria required by each agency.

A memorandum from Transpo dated March 24, 2006, provides an analysis demonstrating that the proposed mitigation measures proposed by the TIA will meet or exceed the development's roughly proportional share of long-term capacity improvement needs, as required by Section 60.55.10.2 of the Beaverton Development Code. This memorandum assumes the ODOT recommended measures at the Barnes/217 intersection. All mitigation measures have been included in the recommended conditions of development approval, to be completed prior to occupancy of the new buildings.

The previous decision of the County Hearings Officer requires additional review of the intersection of Butner Road and Cedar Hills Boulevard in association with installation of traffic signals at the intersection of Cedar Hills Boulevard and the eastbound ramps from Highway 217. Based on information in the TIA, ODOT has recommended that the County Hearings Officer condition be addressed by requiring widening on Butner Road if ODOT and County determine the widening to be necessary to provide satisfactory operation of the new signals at the ramp intersection. The recommended conditions include this requirement.

At the intersection of Cedar Hills and Barnes, the TIA forecasts improvement to the intersection operation. The proposed mitigation measures are adequate to accommodate the increased traffic from Wal-Mart and other approved developments. In addition, the proposed mitigation is forecast to provide some improvement over the congestion levels that exist today. The greatest improvement will be reduction in delays to southbound traffic. Other operational improvements may be small and may not be noticeable to the average driver.

At the intersection of Cedar Hills and Barnes, the TIA forecasts that, even with all of the proposed mitigation measures, the northbound left-turn movement and the westbound left-turn movement will not meet the standards for capacity and delay. However, with the proposed mitigation, both capacity and delay will be closer to meeting the City standards than they are today for those movements.

Development Code Section 60.55.10.7 provides: *“If the existing control delay or volume-to-capacity ratio of an intersection is greater than the standards ..., the impacts of development shall be mitigated to maintain or reduce the respective control delay or volume-to-capacity ratio.”* The TIA indicates that this requirement will be met.

Transportation Finding Summary: With the recommended conditions of approval, staff find that critical transportation facilities will be provided and will have adequate capacity to serve the proposal at the time of its completion. The TIA has demonstrated compliance with the requirements of Sections 60.55.10 and 60.55.20 of the Development Code. Therefore, staff find the proposal meets the criterion for approval.

Existing Lots and Easements; Documentation of Rights and Ownerships

It is necessary for the City to receive adequate documentation to ensure that existing ownership encumbrances contained in the application (listed as exceptions in the ALTA survey) are adequately established. Such encumbrances due to lot ownership and usage rights of easements, and other established property rights, must be addressed prior to the City issuing construction permits to ensure that the City does not potentially violate these ownership rights, or conflict with provisions

of the Site Development Ordinance (Sec. 9.05 of the Beaverton Code) or the International Building Code as they apply to public water, public sanitary sewer and public storm drainage systems.

The Site Development Ordinance within the Beaverton Code (in Sections 9.05.035.D and 9.05.092) voids permits for construction that would otherwise be prohibited or subject to approval by other governmental jurisdictions, public utilities, and any other recognized and documented ownership rights. In this case, there are ownership interests listed in the application (as shown on the ALTA survey) that are not independently verified so that the City could determine that the owner of such property or rights, is on record as being in support, or has otherwise authorized the applicant to proceed with the application. Additionally, it is not clear if the tax lots listed as a part of the application are legal lots of record in accordance with Washington County Surveyor Office records, for the purposes of determining Code compliance for building setbacks, fire suppression, utility provision, and other technical standards.

Staff find that approvals by the City and/or County are potentially necessary for a lot-line adjustment, lot consolidation, or other applications to address and resolve the particular configuration of property lines and ownership interests on the site. Therefore, prior to issuance of a site development permit for site construction, a condition of approval is recommended to require the applicant to provide proof of lot consolidation for all the parcels into one fee-simple deeded lot, along with proof of quit-claiming or extinguishment of easements and other ownership encumbrances that may conflict with the proposed construction.

Storm water drainage; CWS as service provider.

The application submittals contain a proposal to collect a majority of the development's storm water and discharge it to a reconstructed storm pipe that crosses under Barnes Road. This proposed storm pipe would replace a smaller existing pipe that extends into and outfalls within a piece of private property (owned by the Peterkort Co.) outside the City limits and more importantly outside the scope of the Clean Water Services District (CWS) service provider letter obtained by the applicant for the proposed project.

Because the Peterkort site north of Barnes Road is not included in the CWS service provider letter, the scope of the proposed discharge to a site containing a significant water quality sensitive area is not consistent with the applicant's existing CWS letter, with the full scope of work not shown with adequate detail. Therefore, the application is deficient in this respect. The land use review of any work and impact related to the conveyance of storm water drainage will not be addressed by the City for the property north of Barnes Road because the property is outside the City limits. Information on how the increased storm water discharge will be safely conveyed into the receiving tributary stream is necessarily a part of the Design

Review application. The proposed construction limits, necessary easements, and details of associated work to properly construct the storm pipe and outfall within the private property must be documented in the application and then be incorporated into a new or revised CWS Service provider letter that affirms the outflow and work would meet CWS standards. Otherwise, alternative methods of stormwater drainage must be proposed.

Staff note the potential for some jurisdictional wetland permitting associated with the work. A condition of approval is adequate and is commonly used by the City to address this wetland possibility, by ensuring that necessary permits, if any, have been issued by the Federal and State permitting agencies.

Public water, public sanitary sewer and public storm drainage systems finding:

The Committee find that due to the lack of a CWS service provider letter that includes the entirety of the proposal for storm water drainage and conveyance, Facilities Review Criterion 1 is not met. If such an updated CWS service provider letter is submitted to the City, and CWS affirms the feasibility of the proposal to meet CWS standards, then City staff can find that the storm drainage proposal can meet the criterion for approval, with conditions.

FINDING: With regard to other elements of the criterion, including transportation and other critical public facilities and services, staff find that because of the lack of an amended CWS Service Provider letter, the criterion is not met.

2. Essential facilities and services are available or can be made available prior to occupancy of the development. In lieu of providing essential facilities and services, a specific plan strategy may be submitted that demonstrates how these facilities, services, or both will be provided within five years of occupancy.

Facts and Findings:

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The applicant’s plans and project materials were forwarded to the Beaverton School District, the City Transportation staff, City Police Department, and Tualatin Valley Fire and Rescue District (TVF&R) for comment.

With regard to Police protection, that matter is addressed under Facilities Review Criterion 8, as related to the potential for crime and hazardous conditions. Staff cite the finding under Criterion 8 as applicable to Facilities Review Criterion 2.

Transportation:

With regard to bicycle and pedestrian facilities, the applicant proposes to add bicycle and pedestrian facilities along the site frontage as required by the Development Code and the Engineering Design Manual. Recommended conditions require completion of these improvements. With regard to transit facilities, the site is not within the influence area of a Washington County Development Code (WCDC Sec 380-1) designated Major Transit Stop and therefore not required to provide the access to transit. In relation with other transit requirements, the applicant does not request reductions to City parking requirements and therefore is not required to propose any of the transit amenities of CBDC Section 60.20.10.10.

Previously, ODOT and Washington County had assumed that there would be no bicycle or pedestrian facilities along the west side of Cedar Hills Boulevard between Barnes Road and Butner Road. Instead, bicyclists and pedestrians would be directed to use the east side of Cedar Hills Blvd., requiring some type of multi-use pathway along the east side of the street. During preliminary review of the Wal Mart application, ODOT and Washington County concluded that the eastside pathway concept would not comply with City, County and ODOT policies for accommodating bicycles and pedestrians. Furthermore, they noted that both bicyclists and pedestrians are currently attempting to cross the high-speed two-lane approach to the on-ramp to westbound Hwy. 26. They concluded that an eastside pathway was unlikely to address this unsafe movement due to the difficulty for bicyclists and pedestrians to cross from the west side to the east side of Cedar Hills Blvd. As a result, ODOT developed a plan for a west side multi-use path to provide a crossing under the freeway on-ramp. The estimated cost of the ramp under-crossing is roughly estimated to be \$500,000. ODOT is exploring the potential for a grant to cover most of the cost of the under-crossing.

The March 1, 2006, Transpo memorandum (Item B5 on page 14 of that memo) proposes a contribution of \$62,500 as the applicant's roughly proportional share of the cost of the future freeway ramp under-crossing. The Facilities Review Committee's recommended condition requires payment of this amount to the City of Beaverton prior to building occupancy. The condition also requires grading and dedication of additional right-of-way if needed, adjacent to the southeast corner of the site to accommodate the future multi-use pathway approach on the Wal-Mart site to the under-crossing. Grading and dedication will be shown on the site development plans.

Transportation Finding Summary: With proposed conditions, the project will provide bicycle and pedestrian facilities along the site frontage and will contribute its roughly proportional share toward extension of bicycle and pedestrian facilities under the on-ramp to Highway 26. Staff find the proposal meets the criterion for approval.

Therefore, adequate essential facilities will be constructed by the developer in accordance with City Development Code and Site Development standards, as implemented by the Design Review approval, site development and building permit.

FINDING: The Committee find that by satisfying the conditions of approval, the criterion is met.

3. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.

Facts and Findings:

The City of Beaverton Development Code (CBDC) section 10.40.1 provides for the application to be subject to the applicable provisions of the Washington County Community Development Code (WCDC), in cases where the City has not established its own zoning designation after annexation, except that the provisions of Chapters 30 through 80 of the CBDC shall supersede comparable provisions of the WCDC. The City, at the time of the Pre-Application Conference, provided the applicant with a list of all WCDC and CBDC provisions with the potential to be applicable. Therefore, in accordance with Facilities Review Criterion 3, City staff address the applicant's responses to County TO-RC zoning related standards, in effect on the date of application, June 30, 2005 with regard to their applicability and consistency with the applicable requirements thereof. Portions of the following County Code sections contain zoning regulations that are potentially applicable: Section 375, 377, 380, 405, 406, 407, 408, 409, 411, 413, 414, 417, 418, 419, 423, 429, 430, 431, 501, and 502.

Therefore, applicable WCDC requirements replace the review of CBDC Chapter 20 requirements that would typically occur under this Criterion. Refer to the attached County Code Conformance Table (ExhibitA.2) containing analysis of WCDC requirements.

FINDING: The Committee find that due to the lack of a CWS service provider letter that includes the entirety of the proposal for storm water drainage and conveyance, Facilities Review Criterion 3 is not met. If such an updated CWS service provider letter is submitted to the City, and CWS affirms the feasibility of the proposal to meet CWS standards, then City staff can find that the storm drainage proposal can meet the criterion for approval, with conditions.

Staff find that because of the lack of an amended CWS Service Provider letter, the criterion is not met.

- 4. The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Regulations) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

Facts and Findings:

As described under Facilities Review Criterion 3 above, review of applicable WDCD requirements are necessary, as those provisions take the place of CBDC requirements with regard to Chapter 20, because there is not a comparable City requirement.

Staff cite the Chapter 60 Code Conformance Analysis chart at the end of this report, which evaluates the proposal for consistency with applicable CBDC requirements of Chapter 60, except where CBDC requirements are not applicable because a WDCD requirement was addressed under Criterion 3 above.

Transportation:

Section 60.55.25 Streets and Bicycle Connections, requires bicycle and pedestrian improvements, including sidewalks to provide safe and efficient movement and connections. Section 60.05.40.7 of the CBDC, a Design Guideline, establishes a sidewalk along streets in multiple-use and commercial districts, but is not specifically reviewed at this time in Facilities Review, but will be reviewed in the Design Review staff report. The application originally showed a sidewalk width less than 10 feet along the Cedar Hills Boulevard frontage. However, in revised drawings, the applicant has shown that the 10-foot sidewalk can be accommodated with minor revisions to the landscaped area and parking lot. Conditions of approval are recommended to require that dedication of right of way be adequate for a 10 foot sidewalk, and the specific requirement for all approved public sidewalks to be a minimum of 10 feet in width.

The proposed capacity improvements meet or exceed the long-range improvement needs shown in Tables 6.1 through 6.5 and Figures 6.1 through 6.7 of the Comprehensive Plan. The TIA calls for addition of turn lanes and dual turn lanes in several locations in addition to the capacity improvements shown in Table 6.5 of the Comprehensive Plan. Table 6.6 and Figures 6.8 through 6.23 of the Comprehensive Plan show no additional required connections at the project site. The requirements of Section 60.05.20 of the Development Code are satisfied. Similar requirements in the County Code (Sections 408 and 409) were determined to be inapplicable because comparable requirements are provided in the City Development Code and the City's Engineering Design Manual.

With regard to transportation requirements of Chapter 60, other than access standards of Sec 60.55.35 (above), the findings and recommended conditions of

development approval made under Facilities Review Criterion #1, show that the development proposal meets the requirements of Section 60.55.20 of the Development Code and demonstrates compliance with the capacity requirements of Section 60.55.10. Therefore, the Committee find that by adherence to City and County Code requirements, the Beaverton Engineering Design Manual, and by satisfying the conditions of approval, the criterion is met.

The proposal shows that proposed access and subsequent modification of the Choban property driveway access to Barnes Road, subject to a County access modification approval, can feasibly be provided to the site and to the Choban property. A letter by the Choban's, (Exhibit 2.20), was submitted to the City stating their authorization of the Wal Mart applicant to propose a change of their access, expressing support of the Wal Mart proposal's impact to their access, and acknowledging that future access will be provided from the proposed new private street consistent with the general location identified in Washington County's land use decision, Casefile L04-00521 issued March 4, 2005 as extended through March 3, 2007. (Exhibit 2.20). Therefore staff find that the County standard for access spacing will be met upon County approval of an access modification, and that City Code section 60.55.35.2. is met with regard to access.

FINDING: Therefore, the Committee find that the criterion is met.

5. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency;

Facts and Findings:

The design of the building and site, being subject to conditions of approval requiring design, placement and construction of private facilities in conformance to City site development and building code standards, will not lessen the ability of the property owner to accomplish necessary private maintenance. All private roads and walkways on the site will remain the responsibility of the property owner. With regard to landscaping and the incorporation of transplanted trees into the landscape plan, there is nothing in the applicant's proposal that would suggest that the property owner would not be able to satisfactorily maintain the landscaping, trees, including the future replacement of plant materials, irrigation and fencing.

The design and layout of the waste and recycling storage area is subject to WCDC standards contained in Section 406-6 (Exhibit 2.4, Exhibit 2.2 Attach. A.2) which in

part, requires review by and coordination with the waste hauler to ensure the waste and recycling collection facilities will function as intended.

The haulers, Washington County Drop Box Services, Inc. (WCDBS), and Walker Garbage Service (WGS) have provided letters, (Exhibit 2.15). The two letters serve as evidence that the haulers have preliminarily reviewed the proposal with respect to servicing the garbage and recycling needs of the buildings. WCDBS indicates the proposal appears adequate to provide for the necessary equipment for trash service, and room for drop box vehicles to safely maneuver. WCDBS identifies solutions to provide adequate service for wet food waste for an in-store restaurant, such as modifying the design, servicing, and number of trash compactors at the site. WGS states only that, from review of the proposal, the plans for the solid waste and recycling facilities appear adequate.

Staff find that the hauler's preliminary review and recommendations are adequate to find that the design and placement of waste facilities can accommodate refuse and recycling pick-up. The applicant states that further coordination with the haulers will occur. However, some elements of WCDC Sec. 406.6 (Exhibit 2.2 – A.2) have not been fully addressed at this time, such as the type and size of enclosures, gates which could affect design and access requirements. Staff find that the most appropriate time for coordination of design details is during the site development and building permit review process where the applicant can meet again with the haulers to determine the specific design and access, ensuring that technical requirements will be met and acceptable to the haulers. Staff recommend a condition of approval requiring that prior to issuance of a building permit, the applicant provide written evidence from the haulers, that the recommendations have been incorporated into the building permit plan set, to address those area both inside and outside of buildings, as evidence of consistency with WCDC Sec. 406.6.

The proposal, as conditioned, indicates that the owner should be able to maintain the building exterior and the site, landscaped areas and will minimize unnecessary damage and subsequent maintenance of, public facilities by the City.

FINDING: Therefore, the Committee find that by satisfying conditions of approval, the criterion is met.

6. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site.

Facts and Findings:

A request for loading space determination (LO 2005-0003) has been made by the applicant pursuant to CBDC Sec. 40.50, for, as provided by Section CBDC 60.25.25. The criteria for the LO application will be reviewed by staff within that staff report.

At this time, for the purpose of Facilities Review Criterion 7, staff find that if LO 2005-0003 is approved, the proposed design of 3 Type 'A' loading spaces, and either one or two Type 'B' spaces, (as approved by the Board of Design Review) will be satisfactory to address the expected loading characteristics of a Wal Mart store and secondary retail, office and bank use. See Attachment B; LO 2005-0003 staff report.

The site plan includes adequate internal vehicular circulation at the entry to and within the parking garage. Pedestrian circulation is provided within the parking garage, by the provision of pedestrian refuge areas at the east and west ends of parking aisles that provide a reasonably safe travel path to walk to the store entries, from either inside the building, or to walk outside to the plaza to access nearby outside entrances. However, some customers who park within the garage who wish to use either interior store entrances located in the north part of the building, or to walk outside, would be likely to want to use portions of the narrow walkway along the interior east building wall. To improve pedestrian travel within the parking garage, staff recommend a condition of approval to require an adequate travel route at this location by shortening paved stall depth from the proposed 18.5 feet to approximately 15.5 feet, and therefore prevent bumper overhang from making the walking route too narrow to be useful. The design recommended by staff is recognized by Section 60.30.15.6 of the Development Code. The condition would apply to all parking spaces along the interior east parking row, except where parking spaces may be superseded by handicapped parking space dimension requirements administered under the Building Code, prior to issuance of building permits.

Elsewhere on site, staff find that the relationship between vehicular and pedestrian movements on the site adequately provide for safe and efficient movement. Many parking customers will walk through sometimes busy parking aiseways for at least part of their travel path to store entrances. This fact is a common occurrence in virtually all parking lots and parking structures throughout the region, and therefore staff find there is nothing about the proposed parking lot design that is unusual or would increase the potential for unsafe parking lot congestion. The proposed design provides interconnected pedestrian plaza areas for access across the northern pedestrian oriented northern portion of the site, with access to all building entries and to/from sidewalks on Barnes Road and Cedar Hills Blvd. A pedestrian accessway is provided through the middle of the east parking lot for customers to use a safe route to store entrances, so that pedestrian and vehicle interactions would occur, when using this route, only at aisleway crossings, therefore minimizing potential accident and safety problems.

A drawing by Transpo (Exhibit 3) demonstrates that incoming traffic will be distributed to the parking area under the building and to the parking lot east of the building. Measures are shown to prevent conflicts between entering traffic and queues of traffic waiting to exit onto Barnes Road. The drawing shows a curb to

enforce proposed right-in/right-out restrictions on certain driveways. Sidewalks are shown to provide pedestrian connections from the parking area to the primary building entrance. A recommended condition assures marking of pedestrian crossings of internal driveways consistent with CBDC Section 6.05.20.3.E. This resolves staff concerns regarding safe and efficient internal circulation.

In conclusion, internal vehicular and pedestrian facilities are proposed or required, that will accommodate all necessary movement within the site, between buildings and connections to the public sidewalk. With conditions of approval, the site will have adequate internal vehicular and adequate internal pedestrian circulation, in conformance with CBDC Sec 60.55.25.

FINDING: Therefore, the Committee find that by satisfying conditions of approval, the criterion is met.

7. The on-site vehicular and pedestrian circulation system connects to the surrounding circulation system in a safe, efficient, and direct manner.

Facts and Findings:

The development will connect to Barnes Road at a signalized intersection with a secondary connection to Choban Lane. Due to the freeway to the south and the proximity of the major intersection of Cedar Hills Boulevard and Barnes Road, ODOT and Washington County have determined that no additional vehicle connections will be allowed. Pedestrian connections are provided to Barnes Road, Cedar Hills Boulevard and Choban Lane. The requirements of CBDC Section 60.55.25 of the Development Code are satisfied.

Section 409 of the Washington County Development Code contains standards for the development of private streets. However, the City of Beaverton has comparable standards for the City's review to rely on and therefore WCDC Sec. 409 is not applicable. The City Engineering Design Manual requires that private streets should be designed to function like public streets.

In the case of the proposed new private street along the west side of the site, the applicant does not propose a sidewalk along the east side of the street, located along the west building elevation of the parking structure. See staff findings under Design Review Criterion 4, Section 60.05.40.7. A and B, as applicable to Facilities Review Criterion 7.

Under Facilities Review Criterion 2 above, the Committee provide findings on the need for, and the applicant's proposal for, safe pedestrian and bicycle movement along the east side of Cedar Hills Blvd., accommodating a future connection to a future under-crossing under the west-bound freeway on-ramp to Hwy. 26. Staff cite

FR Criterion 2 above, and recommended conditions of approval, as applicable to Criterion 7. Staff also cite Criterion 6 findings above as applicable to Criterion 7.

To conclude, staff have reviewed the proposal for on-site vehicular and pedestrian circulation system connections to the surrounding vehicular circulation system in conformance with applicable sections of Chapter 60 of the Development Code, and that by satisfying conditions of approval, such circulation connections will be located and designed in a safe, efficient, and direct manner.

FINDING: Therefore, the Committee find that by satisfying the conditions of approval, the criterion is met.

8. Structures and public facilities and services serving the site are designed in accordance with adopted City codes and standards at a level which will provide adequate fire protection, including, but not limited to, fire flow, and protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development;

Facts and Findings:

Comments on the proposal (Exhibit 2.14) have been submitted by Tualatin Valley Fire & Rescue (TVF&R) with both access requirements and preferences. The required primary fire access driveway from Cedar Hills Blvd., and secondary access from Barnes Road, in addition to other public street frontages, will provide adequate fire and emergency access to the site. The proposed buildings, including parking garage, are proposed to be fully sprinklered, with a standpipe system for the garage to ensure delivery of adequate water supply for fire suppression. Fire and Life Safety standards of the Building Code administered by the City are required to be met prior to issuance of a building permit. With regard to fire and emergency access vehicle access to the site, staff cite the findings under Criterion 1 as applicable to Criterion 8, by noting that conditions of approval will require final TVF&R sign-off prior to issuance of site development permits.

The proposed improvements to the adjoining street system are sized to comply with City standards for street capacity. The City has made findings under Criterion 1 that the traffic analysis indicates that all critical intersections will have a volume-to-capacity ratio at least as good as current conditions with the proposed mitigation improvements. Therefore, the potential for delay experienced by emergency vehicles either to the Wal Mart site or to St Vincent Hospital, should be no worse than today. In addition, all signals will include pre-emption for emergency vehicles, providing a green signal-light to help clear a path for fire trucks and other authorized emergency response vehicles. Public street design will be in accordance with applicable ODOT and County standards.

With regard to the potential for crime, as raised by public testimony (by letter and e-mails), the applicant proposes 24 hour video camera surveillance of the parking lots, loading area and parking structure, in addition to that proposed within the main retail building. The applicant states Wal Mart will provide an on-site security patrol, in addition to parking lot and parking structure lighting for safety. With respect to the potential for criminal activity, staff find that the proposed design and security measures will be adequate to address most issues that arise, except as noted in the finding below.

During times when the store is closed, and action by store management and private security efforts may be expected to be have slower response times, there is a continued opportunity for criminal activity. Testimony by the public that indicates that a Wal Mart store in Portland experienced crime problems, but the evidence does not show that certain crime is unique to Wal-Mart stores. However, in an effort to ensure that crime suppression efforts by City of Beaverton Police patrols are most effective, staff find that the City can provide an improved level of public safety to the Wal- Mart site if the property owner provides a signed “Trespass Agreement” to the City. Such an agreement provides for the City Police to act as a limited agent on behalf of the property owner, to enter the site if necessary without a specific request to do so, and patrol the site. The agreement allows Police to investigate suspicious activity, accidents, and make arrests if necessary. Staff recommend a condition of approval that requires the submittal of a signed Trespass Agreement by the property owner, prior to issuance of a building occupancy permit.

Public comment has also noted the opportunity for overnight ‘camping’ by travelers in recreational vehicles on the Wal-Mart parking lot, noting that such camping may increase the potential for undesirable activities at night, typically occurring after store hours, although possible at any time of night. Testimony indicates that there is a potential that RV campers may engage in criminal behavior, or that others posing as campers may do so. Recently, the City adopted Ordinance 4384 (effective date April 7, 2006), (Exhibit 2.18) that prohibits such overnight RV camping within the City. The Ordinance will apply to the Town Square Too site. However, it is possible that traveling motorists would not be aware that overnight camping was prohibited at the site.

Staff recommend, as a way to minimize the potential for inappropriate use of parking areas, that a condition of approval be adopted requiring that parking areas be posted with signs notifying customers and the public that overnight parking, camping and trespassing is prohibited. Therefore, staff find that the combination of private on-site security measures, parking area lighting, City police patrols on abutting streets, a condition of approval requiring a Trespass Agreement to allow Police enter the site without delay, and a condition of approval requiring signing to prohibit overnight camping or similar trespass, that these measures will be

adequate to minimize the opportunity for crime and accident on the site, and that such minimal amounts of crime and accident that might occur can be satisfactorily addressed through enforcement by the City of Beaverton Police Department.

FINDING: Therefore, the Committee find that by satisfying the conditions of approval, the site design will provide adequate fire protection and protection from crime, accident and hazardous conditions. Therefore, the criterion is met.

9. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

Facts and Findings:

Minor grading is proposed for the site to accommodate the proposed buildings and parking improvements. The site shows evidence of previous grading, whereby the existing high point of the site (at approximately 320 to 322 feet in elevation) is along the south property line along the property line shared with the ODOT west bound on-ramp to Hwy. 26. The existing low point (at approximately 310 feet in elevation) is at the northwest corner of the site.

The grading proposal plans to essentially create a two level site grade, with an upper level in the southern one-quarter of the site, that will be largely devoted to the truck loading and maneuvering area, and the indoor and outdoor seasonal sale area. Internal access ramps from the lower elevation of the site will provide access to the upper area. The lower area of the site, occupying the northern three-quarters of the site, will be occupied by the lower parking level of the main store building, smaller buildings, and the east parking lot. Proposed grading changes will result in minimal changes at the property line, with proposed parking lot elevation along Cedar Hills Blvd., for example, proposed approximately four (4) feet lower than existing grades. Grade changes along the west property line, where the new private street is proposed between Barnes Road and Choban Lane, is shown by the grading plan to be within approximately one (1) foot of the existing grade. The Barnes Road frontage will be within approximately one (1) to three (3) feet of the existing grade. Staff find that proposed grade changes at the site are minor, and are proposed to be of an appropriate scale across the site to accommodate the use, especially considering the lower parking level proposal within the main retail building. All site construction and public utilities are required by condition of approval to be constructed in accordance with City Codes, as reviewed in the site development permit.

With regard to grading as it relates to storm water drainage, staff have made findings under Criterion 1, that due to the lack of a complete CWS service provider letter, a finding cannot be made to support the applicant's contention that storm water drainage and conveyance off site will provide adequate storm water facilities to serve needs of the developed site. Staff hereby cite the findings for storm water drainage made under Criterion 1 as also being applicable to Facilities Review Criterion 9, with regard to surface drainage and public storm drainage.

FINDING: Therefore, the Committee find the criterion is not met due to the lack of a complete CWS service provider letter.

10. That access and facilities for physically handicapped people are incorporated into the site and building design, with particular attention to providing continuous, uninterrupted access routes.

Facts and Findings:

The applicant will be required to meet accessibility standards of the International Building Code, the Uniform Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility are required to be shown on the approved construction plans prior to issuance of a Building Permit, and as inspected prior to building occupancy permit. Therefore, the Committee finds that by meeting the conditions of approval, requiring conformance to applicable building codes, the site will be in conformance with ADA requirements and will be constructed consistent with the Engineering Design Manual.

FINDING: Therefore, the Committee find that by satisfying the conditions of approval, the criterion is met.

11. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

Facts and Findings:

The applicant's legal representative, Davis, Wright, Tremaine (DWT), in a letter dated December 23, 2005, (Exhibit 2.9) requested that in accordance with ORS 227.178.(2)(a)(b), that the City deem the application complete. As part of the DWT letter of December 23, 2005, a 30 day waiver of the 120 day time limit for review was granted to the City, to provide the City additional time to review supplemental materials and the letter containing responses by Pacland to the City's July 27, 2005 incompleteness letter. The City, in an effort to adhere with state statute on this matter, complied with the request and deemed the application "complete", even

though not all of the items identified during the City's completeness review process, had been submitted.

The applicant, as of the date of Facilities Review meeting April 5, 2006, had not submitted all of the materials required for a complete application, in accordance with Section 50.25.1. Previous letters by the City provided listings of required items which were not submitted, and in some cases requested additional materials not part of completeness review. Those items are not reviewed here.

The applicant was advised at the time of the Pre-Application Conference, letter dated March 4, 2005 with supplemental letter dated March 10, 2005, (attached with applicant's materials, Exhibit 3) and the Incompleteness Letter dated July 27, 2005, (Exhibit 2.8) of the remaining completeness issues.

Below, staff note the remaining items requested by staff which have been cited, in part, in updated Facilities Review findings dated April 25, 2006, (this document) as not meeting Facilities Review Criteria 1, 3, 9 and 11.

- 1) The requirement, that the proposed off-site drainage, north of Barnes Road, must have an approved storm water treatment method in accordance with CWS standards. This was noted by staff in the Completeness letter, but was not specifically required for a complete application. The Pre-application Conference letter noted the requirement for a CWS service provider letter.

FINDING: Although the City is processing the Design Review application due to the DWT letter of December 23, 2005, (Exhibit 2.9) with consideration given to state statute that allows applicant's to deem their own land use applications complete, the Committee find that the application remains incomplete because not all of the necessary items cited above have been submitted to the City.

Therefore, the proposal does not meet the Facilities Review Criterion 11.

FINDINGS SUMMARY FOR FACILITIES REVIEW CRITERIA: (CBDC Sec 40.03. 1 through 11)

DR 2005-0068: The updated Facilities Review findings contained in this document (dated April 25, 2006), conclude that the Design Review application does not meet applicable Facilities Review Criteria 1, 3, 9 and 11.

LO 2005-0003: The updated Facilities Review findings contained in this document (dated April 25, 2006), conclude that the Loading Determination application meets applicable Facilities Review Criteria 4 and 6.

ATTACHMENT A.2

**Code Conformance Analysis:
Washington County
TO-RC District (Transit Oriented - Retail Commercial)
(See Exhibit 2.4, Exhibit 2.5, Exhibit 2.6)**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Code Section 375 Transit Oriented Districts: Uses Permitted Through a Type 3 Procedure			
375-4 Table A	Retail development greater than 5,000 sq.ft. in size.	Proposal: retail development of approx. 160,000 sq.ft.	Yes
375-7.11 Table A	Office use not to exceed 50% total of first floor uses on site	Proposal: office does not exceed 21% of first floor gross building area	Yes
375-7.23b Table A	Outdoor seating requirements for eating/drinking uses permitted if placed within a common open space and does not occupy public sidewalks. Sidewalks may be utilized for outdoor seating under certain limitations.	Proposal: outdoor seating for eating/drinking uses not proposed, although such activity is permitted.	Yes
375-8 Table B	<u>Dimensional requirements:</u> Max Bldg Height 60ft. Min Bldg Height: NA Yard Depth frontage maximum 10 feet applicable to minimum 50% of first floor of building front yard facing pedestrian street (Definition Sec. 431-3.8)	Site is 3,700 ft. from LRT station platform, and is not located within Cedar Mill Town Center. Proposed highest building is 56 feet. Frontage yard to pedestrian street (Barnes Road) provides two buildings facing street. Retail 2 building has approx a zero street sidewalk setback for at least 90% of its length. Main building exceeds 50% minimum frontage with approx a zero setback to the street sidewalk.	Yes
375-9 Table C	<u>Density:</u> Site location (greater than 2600 ft. from LRT station platform) requires Min. FAR 0.25, Max FAR: none. Approx. 98,000 sq.ft minimum bldg area required on site.	Proposal: Building of approx. 166,000 sq.ft. exceeds min FAR requirement. Traffic analysis shows transportation system, with improvements will provide adequate capacity. Site generated traffic will be consistent with County adopted level of service (LOS).	Yes
375-10	Development Standards: See Article IV), where required by Sec.403-3.	See applicable Article IV standards (Section 400 through 440) below.	See Sec 405 - 431 below

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
380-1	<u>The Convenient Access to Transit Overlay District</u> shall apply to areas around major bus stops as shown on the applicable community plan maps. The standards of this district shall apply only to development on portions of lots or parcels within the boundaries of the district...	The Cedar Hills – Cedar Mill Community Plan identifies major transit stops and surrounding overlay districts subject to Sec. 380-1. The streets surrounding the site are not identified as major transit stops; and the site is not within the transit overlay district.	N/A
ARTICLE IV Development Standards			
405-1	<u>Open Space Preservation:</u> The following categories shall be preserved as open space, except as may be otherwise provided. 405-1.1 Confirmed land movement hazard areas, 405-1.2 Areas of severe erosion potential, 405-1.3 Bodies of water such as rivers or lakes, 405-1.4 Flood plain, drainage hazard areas or riparian zone, 405-1.5 Other specific areas identified within the Community Plan	Applicant states that the property does not include any of the categories listed by Section 405-1.1 through 405-1.4. The Cedar Hills/Cedar Mill Community Plan does not identify any such areas on the site. The applicant's Geo-Technical report and Phase 1 Environmental Site Assessment do not identify any of the listed categories as present on the site.	Yes
406	Building, Siting, Architectural Design		
406-6	<u>Mixed Solid Waste & Recyclable Storage Facilities.</u> Applicant shall meet one of three standards 1) Minimum Standards; 2) Waste Assessment; or 3) Comprehensive recycling plan, and be subject to 406.6.4 below.	Applicant proposes to meet waste assessment method. Letters provided by waste and recycled material haulers give preliminary support of proposal. Conditioned to require proposed design to meet design, location and placement requirements of the haulers.	Yes, as conditioned
406-6.4	<u>Location, Design & Access Standards for Storage Areas:</u> <u>A. Location Standards:</u> (1) Storage for source-separated recyclables shall be co-located with the storage area for residual mixed solid waste. (2) Indoor and outdoor storage areas shall comply with Uniform Building Code requirements.	<u>Location Standards Proposal:</u> Applicant states that areas for separated waste storage will be both inside and outside, co-located with storage for mixed solid waste, and will be placed adjacent to the loading dock, away from required parking, building setbacks, or pedestrian and vehicle circulation areas, and will be located where most waste is collected	Yes, as conditioned

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
	<p>(3) Storage area can be at single or multiple locations, and both interior and exterior locations.</p> <p>(4) Exterior storage shall be located in central and visible locations on the site.</p> <p>(5) Exterior storage areas cannot be located on required parking spaces.</p> <p>(6) Storage areas shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on or off site.</p> <p>(7) Exterior storage shall comply with the yard requirements of the primary district and the sight triangle requirements of Section 418-3.</p> <p><u>B. Design Standards:</u></p> <p>(1) Floor area of interior or exterior storage areas shall be excluded from the calculation of lot coverage and from the calculation of building floor area for purposes of determining minimum storage requirements.</p> <p>(2) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.</p> <p>(3) Storage containers shall meet Uniform Fire Code standards and be made and covered with waterproof materials or be in a covered area.</p> <p>(4) Exterior storage areas shall meet the enclosure and screening and buffering requirements of Section 403-2.3 E (3). Gate openings which allow access to users and haulers shall be provided. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position.</p> <p>(5) Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.</p>	<p>on site. The loading dock area will be accessible and visible, to the waste hauler</p> <p><u>Design Standards Proposal:</u> Applicant states that areas for separated waste storage will be located for access to the hauler. The floor area/lot coverage (FAR) calculations do not rely on storage areas to meet FAR or minimum storage area requirements. The waste haulers (WCDBS and WGS) have provided responses indicating the design and location appear to provide adequate equipment, access and maneuvering area for vehicles. and the applicant will meet hauler standards for storage/collection area size and container design, and material labeling.</p>	

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
	<p><u>C. Access Standards:</u></p> <p>(1) Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are scheduled to provide collection service.</p> <p>(2) Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of 10 feet horizontal clearance and 8 feet of vertical clearance is required if the storage area is covered.</p> <p>(3) Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.</p>	<p><u>Access Standards Proposal:</u></p> <p>Applicant states that areas for separated waste storage will be designed and located to meet the requirements for the waste hauler's trucks. The waste haulers (WCDBS and WGS) have provided responses indicating that the design and location appear to provide adequate equipment, access and maneuvering area for vehicles.</p>	
Code Section 408 Neighborhood Circulation			
	<p>Since the time of the Pre-App Conference supplemental letter of 3/10/05, the City has determined that WCDC Section 408 does not apply because comparable City Code Transportation requirements of Chapter 60.55, which references the requirements of the City Engineering Design Manual, are applicable.</p>		N/A
Code Section 409 Private Streets			
	<p>Since the time of the Pre-App Conference supplemental letter of 3/10/05, the City has determined that WCDC Section 409 does not apply because comparable City Code</p>	.	N/A

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
	Transportation requirements of Chapter 60.55, which references the requirements of the City Engineering Design Manual, are applicable to private streets.		
Code Section 411 Screening and Buffering			
411-3, 411-5	Determine Screening & Buffering Requirements by identification of zoning district, surrounding zoning, and determine applicable matrix standards of Sec.411-5 & 411-6.	Site is zoned TO-RC and abuts properties zoned TO-RC and TO-BUS. The screening and buffering matrix standards indicate screening/buffering is not required at this site.	Yes
Code Section 413 Parking and Loading			
413-5.7	Covered parking spaces are to have a vertical clearance of at least seven (7) feet, six (6) inches above the parking lot surface for all uses except residential.	The applicant proposes a minimum 8 foot minimum ceiling height within the parking structure.	Yes
413-7	<p><u>Parking for Handicapped</u> Parking lot design shall comply with all applicable requirements of Chapter 31 (Handicap Access) of the Uniform Building Code, edition currently in effect.</p> <p>Since the time of the Pre-App Conference supplemental letter of 3/10/05, the City has determined that WCDC Section 413-7 does not apply because comparable building code standards are administered by the City, with regard to handicapped parking.</p>	The applicant's lower floor plan Sheet A-1b, illustrates the preliminary design of handicapped spaces. The City's specific review, by the City Building Official for compliance with the State of Oregon's 2004 amendments to the International Building Code. (IBC) with regard to handicapped parking and related accessibility. The 2004 amendments, effective statewide, are the same standards administered by the County. A condition of approval requires such review for Code compliance.	<p>County administered standards N/A,</p> <p>Applicant required to meet City administered standards, as conditioned</p>
413-8	<p><u>D.E.Q. Indirect Source Construction Permit</u> All parking areas which are designed to contain two-hundred-fifty (250) or more parking spaces, or to contain two (2) or more levels, shall obtain an Indirect Source Construction Permit and shall install oil and grease separators.</p>	The City's specific review, by the City Engineer of the Site Development Permit, will require evidence be presented of DEQ's Indirect Source Permit. Oil and grease water separators will be provided on construction plans.	Yes, as conditioned.

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Code Section 414 Signs			
414-2 and 431-11	Staff Note: County regulations include standards for number, size, height and placement of signs. Signs are reviewed under separate permit (a Sign Permit) by the City. Sign proposals are subject to the applicable City or County regulations in effect at the time a sign permit is submitted to the City.	The applicant addresses applicable County sign standards. Signs are reviewed under separate Type 1 permit by the City and will be subject to the applicable City or County regulations in effect at the time a sign permit is submitted to the City.	Yes
Code Section 417 Irrigation			
417-1	<u>Provision of Method of Irrigation</u> Landscaping which exceeds one-thousand (1,000) square feet shall be irrigated with automatic sprinkler systems. Hose bibs and manually operated methods of irrigation may be approved by the Review Authority based upon written verification, submitted by a registered landscape architect, that the alternatives can satisfy the intent and purpose of the irrigation standards.	Proposal: The applicant states that proposed landscaping will be irrigated, and will meet all County standards, as shown on Landscape Plan sheet PL-1.0.	Yes, Landscape irrigation will be conditioned with Design Review approval.
Code Section 418 Setbacks			
418-2	1. Where a yard or setback abuts a street having insufficient right-of-way width... 2. Prior to issuance of a building permit, where the site is subject to growth management, an applicant shall dedicate the additional right-of-way to meet the County Standard. 3. Setback requirements shall be determined from future rights-of-way as set forth by the official Washington County Functional Classification System Map...	The applicant states the required roadway dedications will be provided as required with this proposal. The site is not subject to growth management. Building setbacks are located to accommodate the dedication of right-of-way shown by the Washington County Transportation Plan. Applicant's sheet Site Plan –Level 0 (Sheet C-1.0, dated rec'd 3/27/06) shows right of way dedication areas. There are no street extensions shown by the Plan that would enter the project site.	Yes, as conditioned
418-3	Lots or parcels on street corners shall maintain a sight triangle with no sight obstruction between 3 feet and 10 feet in height.	Proposal: Applicant has used County sight triangles and standards, as shown in the TIA. The placement of fences, walls, structures, and	Yes, as conditioned to meet both City and County

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
		landscaping are restricted on corners to provide vision clearance at corners.	sight clearance at intersections.
418-4	The setback requirements of the Code are not applicable to fence and retaining wall structures, except as required by Sec. 418.3.	The applicant states that on-site fences and retaining walls are not proposed to be located within areas subject to corner vision requirements of 418-3. (See sheets C-1.0, C-1.1, C-2.0)	Yes, as conditioned
Code Section 419 Height			
419-1 through 419-6	<ol style="list-style-type: none"> 1. Within twenty (20) feet of another primary district the lower height restriction of the adjacent district shall apply. 2. Beyond the 20 feet, the height may increase at a ratio of 1 ft. height to 1 foot horizontal distance. 3. A fence, lattice work, screen or wall less than 7 feet may be located in any required yard, except that 8 feet of height is allowed abutting arterials and limited access highways. 4. A combination fence and retaining wall structure may be located in a side or rear yard. 5. Multi-tiered retaining wall structures shall not exceed 7 feet in height in any yard setback. 6. There shall be no limitation of vegetation such as hedges. 	<p>The abutting land use district TO:BUS, (max height: 80 ft.) does not have a lower height limit and therefore the TO-RC maximum height of 60 ft applies to the entire site. The highest building is proposed at 56 feet max height.</p> <p>The applicant's fences and walls will not exceed the height limits in required yards. A combination fence and wall is proposed to the side and rear of the main building, but is not located within required yard setback.</p>	Yes
Code Section 422 Significant Natural Resources			
422.2	Lands subject to this section: Those areas identified in the applicable Community Plan or the Rural/Natural Resource Plan Element as Significant Natural Resources.	The Cedar Hills/Cedar Mill Community Plan does not identify the Wal Mart site as containing designated Significant Natural Resources. The Peterkort (PK) property north of Barnes Road is proposed to receive storm water from the Wal Mart development. A portion of the PK property is designated by the County as a Protected Natural Resource within the Sunset Transit Center area.	Yes

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Code Section 423 Environmental Performance Standards			
423.2	<p>New Uses: Development after the effective date of this Code shall observe the following requirements:</p> <ol style="list-style-type: none"> 1. When Federal, State and local standards apply, the most restrictive shall govern. 2. Prior to issuance of a development permit or certificate of occupancy, the Director may require: <ol style="list-style-type: none"> A. Evidence that mandatory Federal, State and local permits have been or will be obtained. B. Information demonstrating that the proposed development complies with applicable standards set forth in this Section. This information may be required as a report of findings prepared by qualified engineers or other technical consultants. 	<p>The applicant states that the proposal will comply with all applicable local, state and federal requirements, as referenced by Sec. 423 for air quality, odor, noise, vibration, heat and glare, storage, drainage, waste water, and public water supply.</p> <p>City staff have determined under Facilities Review Criterion 1, the PK site was not included in the CWS service provider letter. The proposed discharge to a site containing a natural resource area, and a likely CWS water quality sensitive area, is not consistent with the CWS letter, and so the proposal is deficient in this regard, and FR Criterion 1 is not met without a revised letter of authorization from CWS. At the time a CWS letter is submitted, and the applicant submits a proposal to the City for the storm water discharge, the City will review the proposal at that time. The City at that time, may approve the proposal subject to conditions requiring that prior to issuance of a site development permit, the applicant provide evidence that applicable Local, State and Federal permits (such as those from CWS or DEQ) have been issued or that the proposal is consistent with regulations.</p>	<p>No, a CWS letter and applicant proposal must be received for City review for finding that criteria are met.</p>
Code Section 425 Designation of Marginal Lands			
425.1, 425.2	<p>For the purposes of Section 425-1.1 A. and 425-1.1 B.:</p> <p>A. Lots or parcels located within an urban growth boundary adopted by a city or by the Metropolitan Service District shall not be included in the calculation</p>	<p>Marginal Lands are lands located outside the Urban Growth Boundary (UGB). The site is located within the UGB. The requirement is not applicable.</p>	<p>N/A</p>

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Code Section 430 Special Use Standards			
418-4		Special Use requirements of the County Code are not applicable to the site or the use.	N/A
Code Section 431 Transit Oriented Design Guideline			
431-4	<u>Circulation System Design:</u> The Type 3 application is subject to Design Guidelines under either County or City processing. Section 431-4 does not include guidelines for review. Section 60.05.35.6 through 60.05.40.9 of the CBDC provides Design Guidelines for Public Street System and Pedestrian Circulation.	CBDC Design Guidelines with regard to circulation will be reviewed at the time of the Design Review staff report.	To be addressed with Design Review
431-5.2.C	<p>Streetscapes for Pedestrians; Guidelines:</p> <p>(3) Ornamental features, such as molding, entablatures, pediments and friezes, are encouraged at the roofline of commercial building facades. Where such ornamentation is present in the form of a linear molding or board, the band should be at least eight (8) inches wide.</p> <p>(4) Where masonry is used for exterior finish, decorative patterns should be employed. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile used in conjunction with materials such as concrete or stucco.</p> <p>(6) Certain buildings, because of their size, purpose or location, should be given special attention in the form of ornamental building features, such as towers, cupolas or pediments. Examples of these special buildings include theaters, hotels, cultural centers, churches and civic buildings.</p>	<p>Proposal: The application states that the buildings are provided with multiple articulated cornices, placed horizontally around the building, as raised parapets. Cornices exceed 8 inches in width. The building contains other ornamental elements, such as stylized gables, columns, timber-beamed entrances, cupola topped towers, and horizontal and vertical banding.</p> <p>The exterior materials include a reliance on brick masonry, with variations including herringbone patterns, the use of synthetic stucco and cast stone, and accent roof materials such as standing seam metal and decorative geometrically patterned column and window treatments at key entrances.</p> <p>Proposed buildings house primarily retail uses. The buildings are large in size and do provide architectural character in the form of column and tower entrance features, cupolas, on the north and east elevations.</p>	Yes

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Code Section 431-12 Peterkort Station Area Design Standards			
431.12.1a	Building location and design requirements subject to the Peterkort Station Area Map (12.1a). This station area is located surrounding the Sunset Transit Center.	The proposed Wal Mart site is not located within the Peterkort Station Area as depicted on Map 12.1a, and is therefore not subject to the requirements of Sec. 431.12.	N/A
Code Section 501 Public Facility and Service Requirements			
	<p>Since the time of the Pre-App Conference supplemental letter of 3/10/05, the City has determined that WDCD Section 501, regarding public facilities and services, with the exception of granting access to County Roads, do not apply because comparable City Development Code requirements are reviewed under Facilities Review Criteria 1 and 2, (Sections 40.03.1 and 40.03.2, respectively).</p> <p><u>501-8.5 Access to County and Public Roads:</u> All developments shall have legal access to a County or public road. Except for interim access (Sec 501-8.5. E.), access onto any County road shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the County road standards and the standards of Section 501.</p> <p><u>501-8.5.B. Roadway Access:</u> No use will be permitted to have direct access to a street or road except as specified below, or as provided in Section 501-8.5 E. (Interim Access). Access spacing shall be measured from existing or approved accesses on either side of a street or road.</p> <p><u>501-8.5.D Access Exceptions: Access in Transit Oriented Districts</u> Access points shown in the Transportation Plan or on a</p>	<p>The Wal Mart site is within a Transit Oriented District (the TO-RC zone). Sec 501-8.5.D requires 600 ft. min. access spacing standard, as the Wal Mart access would not be consistent with Community Plan access. The Plan shows a limited right-in/right-out access approx. 550 feet west of Cedar Hills Blvd. (CHB). The Wal Mart local private street is proposed as a full access with Barnes Road approx. 700 feet west of CHB.</p> <p>Wash Co. review comments (March 3, 2006) require under WDCD Section 501-8.5.B, approval of an access spacing modification permit by the County Engineer. The scope of the permit would cover all access spacing between SW117th & Cedar Hills Blvd. Access to County roads requires County access approval whether or not the property or roads in question are located within the City limits or County.</p> <p>Sec. 501-8.5.B allows access on arterials (Barnes Rd) by collector and arterial streets, without access modification. The required access spacing permit will address the proposal for the local private street access by Wal Mart.</p> <p>County staff, by their letter of March 3, 2006, find that the proposed Wal Mart access will require access approval, closure of Choban direct access to Barnes Rd. and access</p>	Yes, the application meets FR Criteria 1, 2, 3 and 4. with conditions.

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
	Community Plan within a Transit Oriented District are not subject to the 600 foot access spacing standard if the access proposal is consistent with the Plan.	<p>easements for Choban properties to the proposed Wal Mart private street.</p> <p>A letter by the Choban's, dated April 5, 2006, states support and authorization for the proposed access changes and access easement. City staff finds that the Choban letter, in addition to the County letter and the County requirement for access modification permit, provide satisfactory evidence that the Wal Mart access proposal meets the County Code requirement, with conditions of approval for access easements and County permits.</p> <p><u>Summary:</u> Facilities Review Criterion 3, by which the City reviews applicable WCDC requirements, is met with conditions because the proposal is in compliance with applicable portions of WCDC 501.</p> <p>(Also see related Facilities Review Criterion 4, review of CBDC Chapter 60.55.35.2.C)</p>	
Code Section 502 Sidewalk Standards			
	Since the time of the Pre-App Conference supplemental letter of 3/10/05, the City has determined that WCDC Section 502, sidewalk standards, does not apply because comparable City Development Code requirements apply in Sections 60.05.20.7 (Design Guidelines for Sidewalks) and 60.55.30 which establishes sidewalk and street dimension requirements in the City Engineering Design Manual.	Minimum requirement for 10 foot wide sidewalk width will be met. Applicant's sidewalk detail (3/27/06) shows a 10 foot sidewalk on Cedar Hills Blvd, and applicant's site plan Sheet C-1.0 shows a sidewalk in excess of 10 feet on Barnes Road.	Yes, as conditioned

ATTACHMENT A.3

City of Beaverton Development Code Code Conformance Analysis Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05 Building Design Principles, Standards and Guidelines			
60.05.35 60.05.40 60.05.45 60.05.50	Building Design and Orientation Guidelines Circulation and Parking Design Guidelines Landscape, Open Space and Natural Areas Design Guidelines Lighting Design Guidelines & Technical Lighting Standards	The proposal is in part, subject to the criteria for Design Review Three approval (40.20.15.3.C). Criterion 4 requires consistency with applicable Design Review Guidelines. Findings for consistency will occur at the time of the Design Review staff report, and so are not included with Facilities Review findings.	See DR2005-0068 staff report.
Development Code Section 60.07 Drive-Up Window Facilities			
60.07.10 - 15	Standards for Drive-Up Window Facilities-	Applicant does not propose drive-up uses with window service. The Code section is not applicable.	N/A
Development Code Section 60.10 Floodplain Regulations			
60.10.10.5 – 25	Standards and regulations for sites containing designated or other floodplain in accord with Sec. 60.10.10.	The site does not contain Floodplain as shown by the applicant’s Phase 1 Environmental Site Assessment (2/25/04) and by the Cedar Hills/ Cedar Mill Community Plan.	N/A
Development Code Section 60.15.10 Land Division Standards			
60.15.05 - 15	<u>Standards and regulations for land divisions.</u> Staff advised applicant that encumbrances upon the property appear to exist due to multiple easements, and that prior to issuance of permits, ownership needs to be clarified. The potential exists that a City land division application such as a land division application, such as a Lot Line Adjustment (LLA) may be needed, in addition to lot consolidation.	The applicant states that the matter of easements and encumbrances are being handled by the property owner, and that ownership conflicts will be resolved prior to issuance of construction permits. Staff address this issue under Facilities Review Criterion 1, and conclude that the matter can be adequately addressed by a condition of approval.	Yes, condition of approval
Development Code Section 60.25 Off-Street Loading Requirements			
60.25.05 - 25	<u>Number Loading Spaces Required:</u> Use: Department stores, retail establishments and similar.	Sec.60.25.25 provides for applicant to modify loading requirements pursuant to Sec. 40.50 Loading Determination	Yes, if LO 2005-0003 is approved.

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
	<p><u>Requirement: Main building:</u> 3 Type 'B' berths for first 100,000 sq.ft. floor area, plus 1 Type 'B' berth for each 50,000 sq.ft. or fraction thereof.</p> <p><u>Retail Building 2: 1 Type 'B' berth</u></p> <p><u>Total Required:</u> 5 Type 'B' loading berths. No Type 'A' berths are required</p>	(LO). Applicant has submitted LO 2005-0003 requesting approval of only 1 Type 'B' space. Proposal shows 3 Type "A" spaces. Staff identify the need for one additional Type 'B' space for Retail Building 2. This space is also subject to the request to have less than the required number of Type "B" spaces.	
Development Code Section 60.30 Off-Street Parking Requirements for Motor Vehicles			
60.30.05 - 20	<p><u>Number of Minimum Required Parking Spaces</u> for uses not within a City multiple use zone per 1,000 sq.ft. floor area: Retail, including Shopping Centers: 3.3. spaces Bank: 3.3 spaces, Medical/Dental: 3.9 spaces Office; Administrative: 2.7 spaces Eating-& Drinking Establishments: 10 spaces</p>	<p>Proposal: approximately 152,300 sq.ft of retail/shopping center requiring 503 spaces. Uses also proposed: 8000 sq.ft. eating & drinking; req: 80 spaces, 1195 sq.ft. bank; req. 4 spaces, and 4300 sq.ft. medical/dental office; req: 17 spaces.</p> <p><u>Total Min Required: 604 spaces</u> Applicant proposes: 620 spaces</p>	Yes
60.30.05 - 20	<p><u>Number of Maximum Allowed Parking Spaces</u> for uses within parking Zone 'A', per 1,000 sq.ft. floor area: Retail, including Shopping Centers: 5.1. spaces Bank: 5.4 spaces, Medical/Dental: 4.9 spaces Office; Administrative: 3.4 spaces Eating-& Drinking Establishments: 19.1 spaces</p>	<p>Proposal: approximately 152,300 sq.ft. of retail/shopping center allowing maximum of 777 spaces. Uses also proposed: 8000 sq.ft eating & drinking; max: 153 spaces, 1195 sq.ft bank; max. 6 spaces, and 4300 sq.ft. medical/dental office; max: 21 spaces.</p> <p><u>Total Max. Allowed: 957 spaces</u> Applicant proposes: 620 spaces</p>	Yes
Development Code Section 60.30.10.5 Parking Ratio Requirements for Bicycles			
60.30.10.5	<p><u>Minimum Required Bike Parking: Long Term & Short Term: 2 Spaces, or:</u> Retail/Shopping Centers: 1 per 12,000 sq.ft., Bank: 1 per 8000 sq.ft. Office: 1 per 8000 sq.ft Eating-& Drinking Establishments: 1 per 4000 sq.ft. Medical/Dental: Short Term: 1 per 20,000 sq.ft., Long term 1 per 10,000 sq.ft.</p>	<p>Proposal: approximately 152,300 sq.ft. of retail/shopping center requiring 13 short term and 13 long term spaces. For the small retail building and the office building: 2 short term and 2 long term spaces for each building.</p> <p><u>Total Min Required: 34 bike spaces.</u></p>	Yes, as conditioned

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.30.10.8 Parking Space Calculation; Motor Vehicle and Bicycles			
60.30.10.8, 60.30.10.9, 60.30.10.10	<p>8.A. Parking for multiple uses shall be the sum of requirements for various uses, computed separately.</p> <p>8.B. Required spaces for one establishment may serve more than one establishment under certain limitations...</p> <p>9. All parking spaces required parking spaces shall be on the same lot upon which the use is located, except under certain limitations.</p> <p>10. Exceptions to parking standards may be granted for reductions due to Transit Amenities, under certain limitations</p>	<p>The applicant has determined the parking requirements for individual uses as required, and indicates the total sum requirements. The applicant does not elect to propose shared parking under 60.30.10.8.B.</p> <p>All parking is proposed on the lot. The applicant does not elect to propose off-site parking under 60.30.10.9.</p> <p>The applicant does not elect to propose reductions to parking requirements under 60.30.10.10. and will meet parking requirements of 60.30.10.5.</p>	Yes
60.30.20	<p><u>Off Street Parking Lot Construction</u></p> <p>Every parcel for land developed for parking shall conform to the 'Engineering Design Manual and Standard Drawings'.</p>	As a condition of approval the City requires all development and construction of parking facilities to meet the standards and procedures of the 'Engineering Design Manual'	Yes
Development Code Section 60.35. Planned Unit Development			
60.35.05 - 15	Standards for Planned Unit Developments (PUD)	The proposal is not proposing, and is not required to request approval of a PUD.	N/A
Development Code Section 60.40. Sign Regulations			
60.40.05 – 50	City regulations include standards for number, size, height and placement of signs. Signs are reviewed under separate permit (a Sign Permit) by the City.	Sign proposals are subject to the applicable City or County regulations in effect at the time a sign permit is submitted to the City.	N/A
Development Code Section 60.45. Solar Access Protection			
60.45.05	Standards for Solar Access protection. Section 60.45.10 states that solar access standards are applicable only to detached residential dwellings.	Solar Access Protection standards are not applicable to commercial development within the TO-RC zone.	N/A

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.50 Special Use Regulations			
60.50.03	<u>Accessory Dwelling Unit (ADU)</u>	Not proposed	Yes
60.50.05	<u>Accessory Uses & Structures</u>	Not proposed	
60.50.10	<u>Height Regulations:</u> Height limitations of the ordinance do not apply to normal appurtenances placed on or extending above the roof, such as spires belfries, cupolas, chimneys, antennas (except antennas for wireless communications facilities), elevator housing, ventilators, or other structures.	The height of the tallest building, at 56 feet, does not and is not required to include such rooftop mounted features described in this code section, in the building height calculations.	
60.50.15	<u>1. Projections into Required Yards and Required Right-of-Way:</u> The following structures may project into required yards, but not into a utility easement: A. Paved terraces in required front, side and rear yards B. Unroofed landings and stairs into front and rear yards C. Window sills, belt courses, cornices, eaves and similar may project not more than 2 feet into any required yard D. Open fire escapes shall not project more than 4 ft. 6in. into any required yard E. Chimneys shall not project more than 24 inches into any required yard F. Bay windows may project into front and rear yards by not more than 2 ft.	The site contains no minimum required yard setback standards of the TO-RC zone. The site is subject only to a maximum setback limit of no greater than 10 feet to a pedestrian street where buildings have frontage to Barnes Road. Therefore, the limitations on projections into required yards are not applicable to the proposal.	
60.50.20	<u>Fences.</u> Fences in any district may be constructed at the property line, and shall comply with all applicable vision clearance standards of the Engineering Design Manual	The applicant states that a six (6) foot wide public utility easement is located on the site, abutting the Barnes Road right-of-way. The applicant proposes no projections or structures within the easement. With regard to the easement, the proposal meets the standard. The City regulation does not conflict with County standards for fences and street corner clearance areas.	
60.50.25	Uses Requiring Special Regulation: 1. Kennels, Riding Academies, Stables 2. Animal Hospitals	The applicant does not propose any of the uses listed in 60.50.25. With regard to drop boxes, the	Yes

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
	<ul style="list-style-type: none"> 3. Cemetary, Crematory, Mausoleum, Columbarium 4. Churches, Hospitals or other Religious or Eleemosynary Institutions 5. (deleted) 6. Aircraft Landing Facilities 7. Natural Resource Extraction 8. Nursery Schools, Day or Child Care Facilities 9. Portable Classrooms 10. Poultry Farms 11. Utilities operated by public utility districts, or municipal, or other governmental agencies, permitted in any district 12. Drop Boxes (recycling or charity drop boxes) permitted only in commercial or industrial zones. 13. Park & Ride Facilities 14. Noise Levels shall meet the standards established by the State DEQ. 15. Air Quality shall meet shall meet the standards established by State DEQ. 	<p>applicant does not propose such boxes on site for the public to use, although it is permitted. Placement of drop boxes, if any in the future, must be consistent with other Development Code and Municipal Code requirements.</p> <p>Noise and Air Quality standards are intended to establish that the City does not have a standard other than DEQ standards, to regulate the future operation of uses on site.</p>	
Development Code Section 60.55 Transportation Facilities			
60.55	Applicable Code requirements and findings are provided in the Facilities Review document, and found specifically under FR Criteria 1, 2, 4, 6, 7 and 8.	City staff finds that the Choban letter, (Ex. 2.20) in addition to the County letter of (Ex. 2.11) with the County requirement for access modification permit, provide satisfactory evidence that the Wal Mart access proposal meets access requirements.	Yes, meets shared driveway access CDBC Sec. 60.55.35.2.C.
Development Code Section 60.60 Trees & Vegetation			
60.60.05 - 25	The applicant has submitted a Tree Plan (TP 2005-0017) application for the removal of Community Trees. During staff review it was determined that the site does not contain trees that meet the Chapter 90 definition of Community Trees.	Applicant proposes 5 'London Plane' Landscape Trees and the relocation and pruning of 6 Landscape Trees to be used as on-site landscaping. Removal and relocation of Landscape Trees is subject to approval of the Landscape Plan as part of Design	Yes, with approval of DR 2005-0068.

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
	The site contains trees designated as Landscape Trees, and does not contain the following tree categories of 60.60.10: Community Trees, Significant Individual Trees, Historic Trees, Trees within Significant Natural Resource Areas, Trees within Significant Groves, or Mitigation Trees.	Review Three (DR 2005-0068) approval.	
60.60.25.9.	Removal of Landscape Trees is subject to tree mitigation on a one-to-one total DBH ratio requirement.	The applicant's Mitigation Worksheet for Landscape Trees (see table below) shows transplanting all Landscape Trees except for five (5) London Plane trees with a total DBH of 59 inches. No tree mitigation is shown for the 59 inches of DBH. As a condition of approval, staff recommend that prior to issuance of a site development permit, the applicant submit a completed mitigation worksheet and mitigation tree planting plan showing compliance with the one-to-one DBH mitigation requirement.	Yes, with approval of DR 2005-0068.

PROPOSED MITIGATION WORKSHEET FOR LANDSCAPE TREES

Mitigation may be satisfied by the following method:

- ☐ **ON-SITE PLANTING:** Planting of trees on the site where tree or grove removal is proposed

LANDSCAPE TREES TO BE REMOVED		PROPOSED REPLACEMENT			
TREE SPECIES	TOTAL DBH	TREE SPECIES	# PROPOSED	CALIPER INCHES EA. (MIN. 1.5)	DBH REPLACED
London plane tree (5 trees) Flowering dogwood (1 tree)	$16+16+9+8+10 = 59''$ 6''	London Plane tree Flowering dogwood	None one		6'' Trans-planted
Japanese maples (2 trees)	$15+21 = 36''$	Japanese maples	two		36'' Trans-planted
American sweetgum (2 trees)	$10+14 = 24''$	American sweetgum	two		24'' Trans-planted
Giant Sequoia (1 tree)	24''	Giant Sequoia	one		24'' Trans-planted
TOTAL LINEAR DBH REPLACED					<u>90''</u>
APPLICANT, PLEASE SUBMIT THIS FORM TO THE DEVELOPMENT SERVICES DEPARTMENT AND ATTACH: <input type="checkbox"/> A LANDSCAPE PLAN SHOWING THE LOCATION OF REPLACEMENT TREES					

The following standards from 60.60.25.9 of the City of Beaverton Development Code apply to the replacement of a landscape tree:

- A replacement tree shall be a substantially similar species or a tree approved by the City considering site characteristics.
- If a replacement tree of the species of the tree removed or damaged is not reasonably available, the City may allow replacement with a different species with equivalent natural resource value.
- Replacement of a landscape tree or street tree shall be based on total linear DBH calculations at a one-to-one ratio depending upon the capacity of the site to accommodate replacement tree or unless otherwise specified through development review. Replacement of tree on a one-to-one basis shall be as follows:
 1. Calculate the sum of the total linear DBH measurement of the tree to be removed.
 2. The total linear DBH measurement of the tree to be removed shall be replaced with tree at least 1.5 caliper inches in diameter. The total caliper inches of the replacement tree shall be at least equal to the sum total of the linear DBH measurement of the removed tree.

LO 2005-0003 (Town Square Too – Wal Mart).

**ANALYSIS AND FINDINGS FOR
LOADING DETERMINATION APPROVAL**

Discussion

The following section evaluates the decision criteria for a Loading Determination. Following each approval criterion, findings are made, based primarily on the written narrative and plans submitted by the applicant, establishing that the criterion is met.

Decision Criteria for Loading Determination

Section 40.55.15. Loading Determination Applications; Purpose

The purpose of a Loading Determination is to establish mechanism to determine or modify the required number of off street loading spaces, or modify the off-street loading space dimensions in advance of, or concurrent with, applying for approval of an application, development, permit, or other action. This Section is carried out by the approval criteria listed herein.

Standards for Approval:

Sections 40.03 and 40.50.15.1 of the Development Code provide standards to govern review by the Facilities Review Committee and the Director as they evaluate Loading Determination proposals. The Committee has reviewed the Facilities Review criteria of Section 40.03, and found that there are conditions of approval applicable to the Loading Determination request. In this report, staff evaluate the application in accordance with the criteria for Loading Determination.

Section 40.50.15.1.C Approval Criteria

In order to approve a Loading Determination, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Loading Determination application.***

Facts and Findings:

The applicant's development proposal for Town Square Too includes three (3) "Type A" loading berths and one (1) "Type B" loading berth. Staff note that the only portion of the Loading Determination that is subject to this application is the request to have only one (1), instead of five (5), "Type B" loading spaces.

With regard to the proposal to have Type ‘A’ loading spaces, staff find that Type ‘A’ spaces are not subject to the Loading Determination because there is no minimum number of such loading spaces required for a retail development.

Section 40.50.15.1.A of the Development Code outlines the threshold for Loading Determinations. The request by applicant proposes to modify the required number of off-street loading berths, whereby Section 60.25.15.4 requires a minimum of five (5) “Type B” berths for a retail development of approximately 160,000 square feet in size. The proposal to modify the required number Type B spaces meets Loading Determination Threshold 40.50.15.1.A.2.

FINDING: Therefore, staff find that the criterion is met.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

Facts and Findings:

The applicant paid the required associated fee of \$262.00 for a Loading Determination application on June 30, 2005.

FINDING: Therefore, staff find that the criterion is met.

3. The determination will not create adverse impacts, taking into account the total gross floor area and the hours of operation of the use.

Facts and Findings:

The applicant states that the proposal to supply only one Type ‘B’ space and three larger ‘Type A’ spaces, is appropriate to recognize the expected loading characteristics of a Wal Mart store and secondary retail, office and bank uses. The applicant indicates that the Type ‘A’ spaces, in addition to one Type ‘B’ space will provide for the number, size and location of loading spaces that is necessary for the Town Square Too development. The applicant states that because the TO-RC zone does not limit the ability for Wal Mart to operate 24 hours a day, that there is there is the opportunity to have truck deliveries spread out through the day and night.

As primarily a Wal Mart building with a smaller retail and office component in two buildings, the applicant indicates that the majority of deliveries to the site will be provided by large trucks, using the new private street to access the travel path for trucks, south of the SW Choban Lane intersection. Trucks would proceed up the truck lane-ramp to the loading area on the south side of the main building, where larger trucks would then back into one of the three side-by-side Type ‘A’ loading spaces at the loading dock. Smaller trucks typically for local deliveries will use the

Type 'B' berth near service entry roll-up doors, adjacent to the waste storage area. Upon departure, large trucks will use the 130 foot diameter wide truck turn-around area and then proceed back on the same route used for arrival. No large trucks using 'Type A' berths are proposed to access the parking garage or east parking lot. Staff find that for the main Wal Mart building, the loading activities related to the number and usage of Type A and Type B berths will function with reasonable efficiency and safety.

FINDING: Therefore, staff find that by satisfying the conditions of approval, the criterion is met.

4. The proposal will not interfere with pedestrian or vehicular traffic on a street.

Facts and Findings:

The proposal for three (3) 'Type A' loading berths and one (1) 'Type B' loading berth would have no impact to the street, including the proposed new private street. The loading area is suitably designed to provide the ability for large trucks to access the area south of the main building, and then back into Type A loading berths. For exiting the store, a large turn-around area is provided, in addition to other maneuvering area, adjacent to the loading area. There would be no backing movements or queuing of trucks that would affect public sidewalks or streets due to the proposal for 'Type A' berths.

With regard to the requirement for one (1) 'Type B' berth to serve Retail Building 2, staff find that the applicant's design contains available area, currently proposed as plaza adjacent to Retail Building A where a Type 'B' space could be placed to the east or west of the parking spaces fronting the building, or supplanting parking spaces. Staff recommend a condition to approval requiring the addition of a 'Type B' space or equivalent area, and which acknowledges that the requirement for fire/emergency vehicle access from Cedar Hills Blvd. would take priority over location of loading. If loading space location is affected by the fire/emergency access location, staff find that there is ample area where a Type B space of 12 feet by 30 feet could be placed on site, such as on the pedestrian plaza or in a nearby parking row where the size of a loading area would likely reduce the amount of vehicle parking by two or three spaces. Therefore, staff conclude that the location of a loading space near Retail Building 2, would not affect the function of the fire/emergency services access from Cedar Hills Blvd. Overall, there would be no negative impact to vehicle or pedestrian circulation due to the proposal for loading spaces on the site.

FINDING: Therefore, staff find that by satisfying conditions of approval, the criterion is met.

5. The proposal will be able to reasonably accommodate the off street loading needs of the structure.

Facts and Findings:

The applicant proposes no 'Type B' berth to serve Retail Building 2. The applicant that no individual use within Retail Building 2 would exceed 7,000 sq.ft., and that at least one permanent interior wall will prevent any tenant from exceeding 7,000 sq. ft in size.

Sec. 60.25.15.7 of the CBDC states:

Concurrent Different Uses: When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the decision making authority but in no event shall the loading requirements be less than the total requirement for each use based on its aggregate floor area."

Staff find the Code intends that for structures used for different purposes or uses, loading space requirements cannot be less than the total requirement for the uses based on aggregate floor area. Therefore, CBDC Sec. 60.25.25.7 requires that retail uses, plus the proposed bank, office and eating & drinking (restaurant) uses planned for Retail Building 2, must be considered in total for the loading requirement. These uses are listed specifically or are commercial uses not otherwise specified under the loading requirements CBDC Sec. 60.25.15.4. Therefore, staff conclude that a Type 'B' berth is required because Retail Building 2 exceeds 7,000 sq. ft in size.

The applicant indicates that the Type 'A' spaces, in addition to one Type 'B' space, will provide for the number, size and location of loading spaces that is necessary for the Town Square Too development. From a functional perspective, staff find that smaller delivery trucks are the type of vehicles likely to access the east parking lot to service tenants in Retail Building 2, and that the presence of Type 'A' spaces at the main building, are unlikely to adequately serve Retail Building 2. Staff conclude that the applicant's design contains available area, currently proposed as plaza adjacent to Retail Building A where a Type 'B' space could be placed to the east or west of the parking spaces fronting the building, or supplanting parking spaces. The requirement for fire and emergency vehicle access from Cedar Hills Blvd. will take priority over location of a Type 'B' space, and may or may not prevent the location of the loading space south-east of Retail Building 2.

In any case, there are other areas in close proximity to accommodate a loading space or area, if the approval of LO 2005-0003 should require it. Staff find that proposal will be able to reasonably accommodate the off street loading needs of the structure so that the loading activities of the site can function efficiently.

FINDING: Therefore, staff find that the criterion is met.

6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Facts and Findings:

The applicant has submitted the required application for review of a Loading Determination. A Design Review Three request has also been submitted for approval of the project. The applicant will be required to submit documents and materials for Site Development Permit, Building Permit review to satisfy conditions of approval and to meet applicable construction standards. Thus far, the applications and documents have been submitted to the City in the proper sequence.

FINDING: Therefore, staff find that the criterion is met.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL of LO2005-0003 (Town Square Too – Wal Mart)** Loading Determination), subject to the applicable conditions identified in Attachment D.

DR2005-0068 (Town Square Too – Wal Mart).

ANALYSIS AND FINDINGS FOR DESIGN REVIEW THREE

Section 40.20. DESIGN REVIEW

Section 40.20.05. Purpose.

The purpose of Design Review as summarized in this Section is carried out by the approval criteria listed herein.

Section 40.20.10. Applicability.

1. *The scope of Design Review shall be limited to the exterior of buildings, structures, and other development and to the site on which the buildings, structures, and other development is located.*
2. *Considering the thresholds for the Design Review Compliance Letter, Design Review Two, or Design Review Three and unless exempted by Section 40.20.10.3, Design Review approval shall be required for the following:*
 - C. *All uses listed as Permitted and Conditional Uses in all commercial, industrial, and multiple use zoning districts.*

Section 40.20.15.3.B. Procedure Type.

The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Design Review Three. The decision making authority is the Board of Design Review.

Section 40.20.15.3.C Approval Criteria.

1. ***The proposal satisfies the threshold requirements for a Design Review Three application.***

Facts and Findings:

Section 40.20.15.3.A Threshold states:

An application for Design Review Three shall be required when an application is subject to applicable design guidelines and one or more of the following thresholds describe the proposal:

1. *New construction or addition of more than 50,000 gross square feet of floor area where the development does not abut any residential zone.*

Section 90 of the Beaverton Development Code provides the following definition:

Abut: *Contiguous to; adjoining with a common property line.* The Wal Mart site

shares a common property line with properties to the west, zoned by Washington County as TO-RC and TO-BUS. The site does not abut any property zoned residential by the City or the County. (Exhibit 2.5.1)

The applicant proposes new development is in excess of 50,000 square feet of building area, and does not abut a residential zone. Specifically, the Wal Mart proposal is for approximately 166,000 sq.ft. of building area. Therefore, the application is being reviewed as a Design Review Three, per Threshold 1.

FINDING: Therefore, staff finds that the proposal satisfies Criterion 1.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

Facts and Findings:

The applicant submitted the proper fee, \$1766.00, for a Design Review Three application on June 30, 2005.

FINDING: Therefore, staff finds that the proposal satisfies Criterion 2.

3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

Facts and Findings:

The applicant submitted correspondence dated December 23, 2005 (Exhibit 2.9) stating that the applicant would exercise their statutory right to have the subject application be deemed complete even though not all of the application completeness items identified by the City had been submitted. Therefore, the City deemed the application complete as of December 23, 2005. Since that time the City continued to inform the applicant of deficiencies in the application. (Exhibit 2.8). Section 50.25.7 of the Beaverton Development Code allows an application to be deemed complete even if missing information described under Sec. 50.25.1, 4 and 5 is not submitted.

By the conclusion of the Facilities Review Committee meeting of April 5, 2006, there was only one application completeness item that remained not submitted, so that the Committee concluded that all criteria were not met. The remaining item was the need for a revised or updated Service Provider Letter from Clean Water Services (CWS) concerning storm water discharge on a property to the north of the subject site.

As of the publication date of the Design Review Three report (this document), an updated CWS letter has not been received, so that the City continues to find the application incomplete for this reason.

FINDING: Therefore, staff finds that the proposal does not meet Criterion 3.

4. *The proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).*

Facts and Findings:

The purpose statement for Design Review states that Design Review approval, depending on the type of processing, can be obtained by satisfying a combination of Design Review Standards and Guidelines. The Design Review purpose statement also describes that a project proponent may elect to use Design Guidelines in order to provide greater flexibility and originality and that public decision makers shall focus only on Guidelines in such cases. However, after each guideline the Code citation for the corresponding Code Standard is listed to provide additional information, should the decision-making body conclude it is necessary to consider the Standard(s). Findings by staff, as to whether this proposal meets Design Standards were not prepared. As Criterion 4 requires of Design Review Three applications, the Design Guidelines are the applicable Code provisions for review.

Staff cite the Design Guidelines analysis below, by which the evaluation of the proposal's consistency to the applicable Design Review Guidelines of Chapter 60 is made.

Section 60.05.35 Building Design and Orientation Guidelines

Unless otherwise noted, all guidelines apply in all zoning districts.

60.05.35.1 Building Elevation Design Through Articulation and Variety

Facts and Findings:

Staff cite the Building Elevation and Floor Plans (Sheet A-1a, A-1b, A-2, A-3, A-4, A-5, A-6), provided by the project architect Perkowitz+Ruth, dated as received March 13, 2006, to be applicable to all of the findings under 60.05.35.1, below:

- A. *Residential buildings should be of a limited length in order to avoid undifferentiated building elevations, reduce the mass of individual buildings, and create a scale of development that is pedestrian friendly and allow circulation between buildings by pedestrians. (Standard 60.05.15.1.A.)*

The proposal does not include residential development. Therefore the Guideline is not applicable.

- B. Building elevations should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in architectural elements such as: building elevations, roof levels, architectural features, and exterior finishes should be provided. (Standard 60.05.15.1.A and B)*

The building elevations and plans show that the proposal includes the articulation and visual interest for pedestrian orientation intended by the guideline. Specifically, the elevation and plan sheets confirm that the buildings include multiple articulated cornices and multiple rooflines providing bold visual relief. Unique rooftop architectural elements, such as cornices and raise-parapet walls placed horizontally around the building will provide a varied skyline or rooftop silhouette. The building contains other ornamental elements, such as stylized gables, columns, timber-beamed entrances, cupola topped towers, second floor arched windows, and multiple variations of horizontal and vertical banding.

The exterior materials include a reliance on brick masonry, with variations including herringbone patterns, the use of synthetic stucco and cast stone, and accent roof materials such as standing seam metal and decorative geometrically patterned column and window treatments at primary public entrances.

The buildings are large in size and do provide architectural character in the form of columns and tower entrance features and cupolas on the north and east elevations. Non pedestrian oriented areas, such as the south and west elevations of the main building, do not provide pedestrian entrances, and so the amount of articulation and variety of materials is less. However, even these non-pedestrian oriented elevations provide varied rooflines, as shown by the large timber beamed entrance covers and canopies over auto entrances to the parking structure and the single pedestrian entrance at the south outdoor garden center and sales area.

Therefore the Guideline is met.

- C. To balance horizontal features on longer building elevations, vertical building elements, such as building entries, should be emphasized. (Standard 60.05.15.1.B)*

The length of the main retail building, from north to south, (on the east and west building elevations) is approximately 490 feet. These elevations are of substantial length. Specifically, the elevation and plan sheets show that

main building architecture includes features that emphasize verticality, such as vertical columns that rise above the roofline, as part of the building's multiple roofline elements. Rooftop architectural elements, such as cornices and raise-parapet walls also emphasize verticality. On the west elevation, there are less vertical features than the east elevation. However, the west elevation does provide a varied roofline, and bold timber beamed entrance covers and canopies, and large building openings to the parking garage that provide adequate variety.

The length of the smaller Retail 2 building, from east to west (the north and south building elevation) is approximately 200 feet long. Although staff does not find these elevations to be of excessive length, intended by the guideline, the north and south elevations of Retail Building 2 are designed as a continual wall of retail storefronts, containing multiple vertical elements, with fascia pop-outs, and recesses that are carried up to and, in some cases above the roofline. At each building end, a substantial tower and cupola structure is provided with upper level architectural features such as brick columns and high arched entries that are varied with lower canopies and awnings.

Therefore the Guideline is met.

D. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance. (Standard 60.05.15.1.B)

The main building provides a primary and secondary store and office building entrances. The primary outside store entry is located close to the Barnes Road sidewalk, at the northeast corner of the building. Pedestrians may enter from the outside from the south, north or east that is identified architecturally by bold columned porticos rising up above the roofline to provide a highly visual entry feature. Entries use the same palette of materials and finishes that are found on the rest of the main building, such as brick masonry in varying patterns, synthetic stucco and cast stone, which will be satisfactory to meet the guideline.

E. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, buildings should promote and enhance a comfortable pedestrian scale and orientation. (Standard 60.05.15.1.B)

The frontage of the three (3) buildings proposed along Barnes Road will serve as the primary pedestrian oriented street front. For the areas of the main building that are intended and designed for pedestrian activity, the design shows pedestrian scale

features in the form of lower arched and cantilevered canopies at entrances on the north and east elevations and an area of short pedestrian-scale columns with landscape planters along the north elevation. The main building is large and areas on the south and west elevation do not have substantial pedestrian scale or orientation. However, these areas are not intended for high pedestrian use as they contain no pedestrian destinations, except for the south garden center outdoor sales area which has its own entrance from the building.

For the smaller retail building, the substantial majority of the building face, on all sides, is clad in storefront windows, with building entrances, lower canopies and awnings providing pedestrian scale and visual interest.

F. Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street or major parking area should be avoided. (Standards 60.05.15.1.B and C)

All building walls on all buildings are visible from and within 200 feet of an adjacent street or parking area. Although the west and south elevations of the main building have a lesser amount of articulation and visual interest in comparison with the north and east elevations, the corresponding pedestrian orientation is similarly different, and is thereby appropriate for its intended use. The south and west elevation of the main building do provide adequate articulation with building openings, with offsetting building wall planes and recesses, covered entry features for autos and the garden center area. Staff also cite the finding made under Building Design and Orientation Guidelines B through E, above, as applicable to Guideline F.

G. Building elevations visible from and within 100 feet of an adjacent street where the principle use of the building is manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities in an industrial zoning district, should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street should be avoided. (Standards 60.05.15.1.B and C)

The principal uses of the proposed buildings are retail and office. Therefore, the guideline for buildings containing industrial and storage uses does not apply.

60.05.35.2 Roof Forms as Unifying Elements

Staff cite the Building Elevation and Floor Plans (Sheet A-1a, A-1b, A-2, A-3, A-4, A-5, A-6), provided by the project architect Perkowitz+Ruth, dated March 9, 2006, to be applicable to all of the findings under 60.05.35.1, below:

- A. Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be highlighted. (Standards 60.05.15.2.A and B)*

Staff cite the findings under Building Design and Orientation Guidelines B through D, above, as applicable to Roof Form Guideline A.

- B. Flat roofs should include distinctive cornice treatments. (Standard 60.05.15.2.C)*

Staff cite the findings under Building Design and Orientation Guidelines B through D, above, as applicable to Roof form Guideline B.

- C. Additions to existing structures which involve the addition of new roof area should respect the roof form and material of the existing structure. (Standard 60.05.15.2.D)*

The proposal is for all new construction and does not include additions to any existing structure. Therefore, Roof Form Guideline C does not apply.

60.05.35.3 Primary Building Entrances.

- A. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, the design of buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings, and canopies to protect pedestrians from the rain and sun. (Standard 60.05.15.3)*

Staff cite the findings under Building Design and Orientation Guidelines C and E, above, with regard to pedestrian scale architectural treatment of entrances, as applicable to Primary Building Entrance Guideline A. With regard to weather protection at primary entrances, the proposal shows substantially recessed entries over entrances to the office, main retail and secondary retail building (retail building 2). The design of the smaller retail building provides a combination of recessed entries and awnings or metal canopies over all tenant entries on the north and south elevations.

- B. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance. (Standard 60.05.15.3)*

Staff cite the findings under Building Design and Orientation Guidelines B through F, above, as applicable to Primary Building Entrance Guideline B.

60.05.35.4 Exterior Building Materials

- A. Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. (Standard 60.05.15.4.A)*

The exterior materials on all buildings are proposed to be treated with brick masonry facing, with variations including herringbone patterns, and include the use of synthetic stucco and cast stone. Areas of untreated concrete are proposed for retaining walls along loading docks south of the main building, but do not exceed approximately four (4) feet in height above grade, and where exposed to potential views from Hwy 26, such walls are proposed to be screened by landscaping.

The entrances on the main building and office building have substantial glazing, due to the design for interior glass atrium lobbies. Although glass is not used extensively on the main building, as viewed from the outside, the glass entries will provide views into the pedestrian entrance/activity area in addition to providing substantial vertical design features of the building. For the smaller retail building, a substantial majority of the pedestrian storefront is occupied by glazing and decorative building materials, described above, in addition to canopies, fabric awnings, and decoratively treated architectural elements, such as corner columned pilasters that receive variations in brick patterns, or the cast stone pediments on storefront column walls.

- B. Excluding development in Industrial zones, where masonry is used for exterior finish, decorative patterns (other than running bond pattern) should be considered, especially at entrances, building corners and at the pedestrian level. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete. (Standards 60.05.15.4.B and C)*

Staff cite the findings under Exterior Building Material Guidelines A, above, as applicable to Exterior Building Material Guideline B.

60.05.35.5 Screening of Equipment

All roof, surface, and wall-mounted mechanical, electrical, communications, and service equipment should be screened from view from adjacent public streets by the use of parapets, walls, fences, enclosures, dense evergreen foliage, or by other suitable means. (Standards 60.05.15.5.A through C)

Chapter 90 of the Development Code provides the following definition: “*Street: A public way which affords the principal means of access to abutting property*”.

The applicant states that the mechanical equipment proposed for the roof tops of all buildings will be screened from view by parapet walls that will extend above the roofline to conceal the view of such equipment and that ground-mounted equipment where proposed, will be screened by a combination of fencing, landscape plantings, or walls.

Due to the proposed topography of the site, whereby the main building of 56 feet in height (including parapet walls) is proposed at approximately the 312 foot elevation of the site, the height of the building and parapet wall screening will be able to adequately screen the appearance of rooftop mechanical equipment from the adjacent public streets: SW Barnes Road, SW Cedar Hills Blvd. and the terminus of Choban Lane. Although the proposed street along the west edge of the site would be a private street, it would function similar to a public street, whereby with a public access easement it will provide the principal access to the Wal Mart site, from Barnes Road and from Choban Lane. The parapet screening walls would effectively screen the view of rooftop equipment as viewed from the private street, as it will from the three public streets.

With regard to US Hwy. 26 (the Sunset Freeway), this state highway is not a public street for the purpose of rooftop and mechanical equipment screening because the highway does not provide the principal means of access to the site. Therefore, staff find the rooftop and mechanical equipment screening guideline does not apply to views of the site from Hwy 26. In any case, the applicant intends to screen the view of rooftop equipment from freeway view. To address the applicant’s proposal, staff finds that roof-top mechanical equipment as viewed from the freeway, will be adequately screened from freeway view largely due to the proposed building height, existing and proposed topography. The Topographic Features sheet of the ALTA Survey (prepared in 2004) shows the westbound Hwy 26 on ramp with elevations approximately between 317 feet and 322 feet in elevation (above sea level) adjacent to the south and southeast edge of the Wal Mart site. Proposed Wal Mart Grading Plan (sheet C-20) shows finished grade site elevations generally between 317 and 322 feet along the property line in close proximity to the highway

on-ramp elevations, with the nearby finished lower floor elevation of the main building proposed at 312 feet. Therefore, the finished grades of the site, in comparison with the highway on-ramp, are similar in elevation. Considering the 56 foot height of the building (including parapet walls extending above the lower roof) staff find there should be no opportunity for highway motorists to look across and see rooftop mechanical equipment because the roof of the building will be at least 40 feet above them, with the west bound on ramp between 140 to 170 feet away and the main freeway, (at similar to slightly higher elevation), farther away than that distance. To summarize, staff find that although the mechanical equipment screening guideline does not apply to views from the freeway, the design of the building and site will prevent such views by freeway motorists.

With regard to ground-mounted equipment, no specific ground mounted equipment is described by the applicant. However, staff note that the refuse compactor is a large piece of equipment proposed along the south wall of the main building in the loading dock area. It is proposed to be screened by a combination of fencing, landscape plantings, and walls as shown on the Grading Plan and Landscape Plan. (Sheets C-2.0 and PL-1.0, respectively). Staff note that any equipment boxes by a public agency, such as signal or other utility boxes that are subsequently installed are not subject to the screening guideline.

A Design Review condition of approval requires that all rooftop mechanical equipment must be screened from public view as viewed from streets, or otherwise be placed within the building, or have rooftop screening appear as an integral part of the structure.

60.05.35.6. Building Location and Orientation in Multiple Use and Commercial districts.

- A. Buildings should be oriented and located within close proximity to public streets and public street intersections. The overall impression, particularly on Class 1 Major Pedestrian Routes, should be that architecture is the predominant design element over parking areas and landscaping. (Standard 60.05.15.6.A and B)*
- B. The design of buildings located at the intersection of two streets should consider the use of a corner entrance to the building. (Standard 60.05.15.6.B)*
- C. On Class 1 Major Pedestrian Routes, building entrances should be oriented to streets, or have reasonably direct pedestrian connections to streets and pedestrian and transit facilities. (Standard 60.05.15.6.C)*

Staff find that a portion of Section 60.05.35.6 A, and all of Section 60.05.35.6 C, having to do with a Class 1 Major Pedestrian Route, are not applicable. The City of

Beaverton has not designated any street abutting the site as a Major Pedestrian Route because the site is not yet subject to City Comprehensive Plan or Zoning designations. As part of the Cedar Mill Town Center / Sunset Transit Center Area Pedestrian System designation map, Washington County does not designate either SW Barnes Road or SW Cedar Hills Blvd., abutting the site, as any special type of pedestrian oriented street, corridor, or area category.

With regard to the portion of Section 60.05.35.6 A and all of Section 60.05.35.6 B, unrelated to a Class 1 Major Pedestrian Route, the applicant states that the plans show buildings on site are oriented toward SW Barnes Road and to the intersection of SW Cedar Hills Blvd. and Barnes Road. Buildings proposed for the site are not oriented toward a majority of the SW Cedar Hills Blvd. frontage. Staff considers the applicant's site building location and orientation to be an appropriate design response because it is likely that at this location, Cedar Hills Blvd. will be less utilized by pedestrians in comparison to Barnes Road. Staff reaches this conclusion because of Cedar Hills Blvd's freeway orientation along the eastern and southern portion of street frontage where the westbound freeway on-ramp begins. Although neither street frontage carries a special pedestrian designation, the developer proposes a pedestrian orientation to Barnes Road that is appropriate to meet the guideline.

The area between the proposed new curb on Barnes Road and the office building, main retail and smaller retail buildings, will contain a minimum of a 10 foot wide sidewalk that will provide a seamless transition to substantial pedestrian plaza areas to serve all primary building entrances, which in the case of Retail Building 2, will be found along both the east and west ends sides of the building. The main retail building provides its primary entrance about 15 feet from the Barnes Road sidewalk, with the office building entry about 10 feet from the intersection of Barnes Road and the intersection of the new private street. Retail Building 2 provides an architecturally significant entrance at the intersection of Cedar Hills Blvd. and Barnes Road that includes building entrances at an oblique angle to the corner.

Guideline 60.05.35.6.C, regarding transit orientation to a designated Major Pedestrian Route does not apply. With regard to the development's relationship to transit; the intersection of SW Cedar Hills Blvd., and Barnes Road is the location for 4 Tri-Met Bus Routes, providing connections to the Sunset Transit Center: #20, #60, #62, #89. See Tri-Met map: 'Albertson's – SW Barnes/Cedar Hills in Washington Co.' Exhibit 2.6), which shows transit service routes and bus stops. Tri-Met currently has no bus stop on the south side of Barnes Road along the site frontage, but does have a bus stop on the north side of the street. Tri-Met may determine a need to provide a bus stop at the Wal Mart frontage in the future. If so, the proposed pedestrian plaza which includes a 12 foot wide Barnes Road sidewalk on the Town Square Too frontage, would provide full pedestrian access to the

transit system. Until such time that Tri-Met adds a bus stop, transit riders would have to cross the street, or walk east or west to the nearest bus stop. Also see Washington County map of Major Transit Stops (Exhibit 2.5.9) showing no major bus transit stops or overlay is located on the Wal Mart street frontage.

60.05.35.7 Building Scale along Major Pedestrian Routes.

- A. Architecture helps define the character and quality of a street. Along Major Pedestrian Routes, low height, single story buildings located at the right-of-way edge are discouraged. (Standard 60.05.15.7.A)*
- B. Building heights at the right-of-way edge should help form a sense of street enclosure, but should not create a sheer wall out of scale with pedestrians. Building heights at the street edge should be no higher than sixty (60) feet without the upper portions of the building being set back from the vertical building line of the lower building stories. (Standard 60.05.15.7.A)*

Staff find that Guidelines 60.05.35.7 A and B, having to do with a Class 1 Major Pedestrian Route, are not applicable. The City of Beaverton has not designated any street abutting the site as a Major Pedestrian Route because the site is not yet subject to City Comprehensive Plan or Zoning designations. As part of the Cedar Mill Town Center / Sunset Transit Center Area Pedestrian System designation map (Exhibit 2.5.13), Washington County does not designate either SW Barnes Road or Cedar Hills Blvd. abutting the site, as a pedestrian oriented street, corridor, focus, or similar area.

60.05.35.8 Ground Floor Elevations on Commercial and Multiple Use Buildings.

- A. Excluding residential only development, ground floor building elevations should be pedestrian oriented and provide views into retail, office or lobby space, pedestrian entrances or retail display windows. (Standard 60.05.15.8.A)*
- B. Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk, should provide weather protection for pedestrians on building elevations. (Standard 60.05.15.8.B)*

Barnes Road will serve as the primary pedestrian oriented street front for the office, the main retail, and smaller retail building. For the areas of the main building that are intended and designed for pedestrian activity, the design shows pedestrian scale features in the form of lower arched and cantilevered canopies at entrances on the north and east elevations that will provide weather protection. The entrances on the main building and office building have substantial glazing; due to the design for interior glass atrium lobbies. As viewed from the outside, the extensive use of glass in the entry areas will provide views into the pedestrian entrance/activity areas.

For the smaller retail building, the substantial majority of the building face on all sides, is clad in storefront windows, with building entrances, lower canopies and awnings providing pedestrian scale weather protection. A substantial majority of the building face on all four sides is occupied by storefront glazing affording views into retail shops and display windows.

Circulation and Parking Design Guidelines

60.05.40.1. Connections to public street system

The on-site circulation system and the abutting street system should provide for efficient access and circulation, and should connect the project to abutting streets. (Standard 60.05.20.1)

Staff cite the findings for Facilities Review Criteria 1, 2, 4 6 and 7 as applicable to the matter of street connections and on-site circulation as it relates to access and circulation to the surrounding public street system, as applicable to Guideline 60.50.40.1. The findings for Facilities Review criteria show that the proposal, by satisfying conditions of approval, meets applicable County and City Code requirements and Design Guidelines of Chapter 60, as they relate to circulation.

60.05.40.2 Loading area, solid waste facilities, and similar improvements.

A. On-site service, storage and similar activities should be designed and located so that these facilities are screened from an abutting public street. (Standard 60.05.20.2)

B. Except in industrial districts, loading areas should be designed and located so that these facilities are screened from an abutting public street, or are shown to be compatible with local business operations. (Standard 60.05.20.2.)

The applicant states that on-site service, storage and similar activities are located and designed to be screened by building walls, retaining walls, fencing and landscaping. The southern portion of the site, south of the main building and partially behind the seasonal/outdoor sales area structure, is the location for loading and waste collection activities. An area for pallets to be stacked is identified adjacent to the compactor.

The area of the compactor, pallets, and refuse collection is shown to be partially screened from the south and southwest by the loading dock wall that extends from near the southwest corner of the building out by approximately 85 feet, exceeding the length of Type A loading space depth by 25 feet. The loading dock wall descends in height from 5 feet to 3 feet. (See Grading Plan; sheet C-2.0). The waste collection, compactor and pallet area is also screened from the east and northeast

by the main building and by the outdoor/seasonal sales area that include canopies, an oversized south entry, and metal fenced enclosure with oversized brick columned fence posts dividers.

The greatest opportunity for public view to the service and loading area is from the south and southeast, as viewed from US 26, the Sunset Freeway. However, this state highway is not a public street because the highway does not provide the principal means of access to the site. Therefore, staff find the loading, storage and waste collection area screening guideline does not apply to views of the site from Hwy 26.

In any case, the applicant has chosen to address the view from the freeway, by proposing landscape screening (Landscape Plan; Sheet PL-1.0) consisting of “Doric’ Red Maple, Golden Desert Ash, and a densely planted screen of evergreen trees such as Austrian pine, Douglas fir, and Hogan western red cedar, in addition to the smaller ground cover plantings along the southern landscape buffer. As part of the landscape buffer proposal, the plan shows the transplanting of the existing Sequoia tree, currently along the south property line, to a location further east to a location with a wider planter bed. Retaining walls, generally between 2 and 5 feet in height are also planned as part of the landscape buffer along the south property line. The amount of evergreen plantings proposed and their sizes at maturity will adequately screen the views from the freeway.

60.05.40.3. Pedestrian Circulation.

- A. Pedestrian connections should be made between on-site buildings, parking areas, and open spaces. (Standard 60.05.20.3.A)*
- B. Pedestrian connections should connect on-site facilities to abutting pedestrian facilities and streets unless separated by barriers such as natural features, topographical conditions, or structures. (Standard 60.05.20.3.A)*
- C. Pedestrian connections should link building entrances to nearby streets and other pedestrian destinations. (Standard 60.05.20.3.B)*
- D. Pedestrian connections to streets through parking areas should be evenly spaced and separated from vehicles (Standard 60.05.20.3.C through E)*
- E. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.3.A through H)*

F. Pedestrian connections should be designed for safe pedestrian movement and constructed of hard durable surfaces. (Standards 60.05.20.3.F through G)

Staff cite the findings made under Facilities Review Criteria 2, 4, 6, 7 and 10 as applicable to Design Guidelines 60.05.40.3 A through F above. In regard to 60.05.40.3.E above, the Guideline refers to “high levels of pedestrian activity”. Washington County does not designate either SW Barnes Road or Cedar Hills Blvd., abutting the site, as any type of pedestrian oriented street, corridor or similar area.

The proposed design provides interconnected pedestrian plaza areas for access across the pedestrian oriented northern portion of the site, with access to all building entries to sidewalks on Barnes Road and Cedar Hills Blvd. A pedestrian accessway is provided through the middle of the east parking lot for customers to use a safe route to store entrances, so that pedestrian and vehicle interactions would occur only at aisleway crossings, therefore providing convenient travel routes in addition to minimizing potential accident and safety problems. Staff find that the relationship between vehicular and pedestrian movements on the site adequately provide for safe and efficient movement. A recommended condition assures marking of pedestrian crossings of internal driveways in the parking lot and the within the parking structure, consistent with CBDC Design Standard 6.05.20.3.E.

In regard to the parking garage, the site plan includes adequate internal vehicular circulation at the entry to, and within the structure. Pedestrian circulation is provided by pedestrian refuge areas at the east and west ends of parking aisles that provide a reasonably safe travel path to walk to the store entries, from either inside the building, or to walk outside to the plaza to access nearby outside entrances. To improve pedestrian travel within the parking garage, staff recommend a condition of approval to require an adequate travel route at this location by shortening paved stall depth from the proposed 18.5 feet to approximately 15.5 feet along the east edge of the parking row (allowed by Section 60.30.15.6), and therefore prevent bumper overhang from making the walking route too narrow to be useful.

In conclusion, internal vehicular and pedestrian facilities are proposed or required as conditions of approval that will accommodate all necessary pedestrian movement within the site, between buildings and connections to the public sidewalk. As conditioned, the site will have adequate internal pedestrian circulation. The need for public street sidewalk connections, subject to Design Guidelines, is addressed under 60.05.40.07 below.

60.05.40.4. Street frontages and parking areas

Landscape or other screening should be provided when surface parking areas are located along public streets. (Standard 60.05.20.4)

Surface parking is proposed along a portion of the SW Cedar Hills Blvd. frontage. The Landscape Plan (sheet PL-1.0) shows landscape screening along the proposed curb-tight public sidewalk, consisting of Red Sunset maple trees, to be 3.5 inches in caliper size at time of planting, spaced at thirty (30) feet on center. In addition to trees, screening of the parking spaces is provided by densely planted evergreen shrubs, including barberry and rockrose, planted in a double, staggered row.

Although the freeway is not a public street, the applicant has chosen to address the view from the south. The Landscape Plan shows “Doric’ Red Maple, Golden Desert Ash, and a densely planted screen of evergreen trees such as Austrian pine, Douglas fir, and Hogan western red cedar, in addition to the smaller ground cover plantings along the southern landscape buffer. The plan also shows the transplanting of the existing Sequoia tree to another location further east. Retaining walls, generally between 2 and 5 feet in height are also planned as part of the landscape buffer along the south property line.

Staff conclude that the landscape plantings will provide an effective landscape screen as intended by the Guideline.

60.05.40.5 Parking area landscaping

Landscape islands and a tree canopy should be provided to minimize the visual impact of large parking areas. (Standard 60.05.20.5.A through D)

The applicant proposes to minimize the area surface parking on the site by placing the majority of parking spaces within a parking garage. The applicant states that greater than 10 percent of the parking lot area is landscaped and that 33 trees are proposed within the parking lot. Staff count approximately 47 deciduous trees within and along the edge of parking areas, including parking spaces along the south property landscape buffer.

Within the surface parking lot the Landscape Plan (sheet PL-1.0) shows landscaped planter islands that include trees throughout the parking area. Specifically, Golden Desert Ash is proposed as the primary canopy tree, but the plan also includes ‘Sergeant’ cherry, with a small canopy. Tree plantings are proposed elsewhere on the site, including along the parking areas near the south property line.

60.05.40.6 Street frontages in Multiple Use districts.

- A. Surface parking should occur to the side or rear of buildings and should not occur at the corner of two Major Pedestrian Routes. (Standard 60.05.20.6)*
- B. Surface parking areas should not be the predominant design element along Major Pedestrian Routes and should be located on the site to safely and conveniently serve the intended users of the development, without precluding future site intensification. (Standard 60.05.20.6)*

Staff find that Guidelines 60.05.40.6 A and B, having to do with a Major Pedestrian Route, are not applicable. The City of Beaverton has not designated any street abutting the site as a Major Pedestrian Route. As part of the Cedar Mill Town Center / Sunset Transit Center Area Pedestrian System designation map, Washington County does not designate either SW Barnes Road or Cedar Hills Blvd., abutting the site, as any type of pedestrian oriented street, corridor or similar area.

60.05.40.7 Sidewalks along streets and primary building elevations in Multiple Use and Commercial districts

- A. Pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.7.A)*
- B. Pedestrian connections should be provided along primary building elevations having building and tenant entrances. (Standard 60.05.20.7.B.)*

Staff cite the findings made under Facilities Review Criteria 2, 4, 6, 7 and 10 as applicable to Design Guidelines 60.05.40.7 A and B above. Under Facilities Review Criterion 2, the Committee provide findings on the need and applicant's proposal for providing safe pedestrian and bicycle movement along the east side of Cedar Hills Blvd., and accommodating a future connection to a future under-crossing under the west-bound freeway on-ramp to Hwy. 26.

The applicant proposes a 10 to 12 foot wide sidewalk along Barnes Road. A 10 foot wide sidewalk along SW Cedar Hills Blvd. is proposed and can be accommodated with minor revisions to the landscaped area and parking lot. This can be accomplished by shortening standard parking paved stall depth from approximately 19 feet to approximately 16 feet deep along the east edge of the parking row (allowed by Section 60.30.15.6). Conditions of approval are recommended to require that dedication of right of way be adequate for a 10 foot sidewalk, and the specific requirement for all approved public sidewalks to be a minimum of 10 feet in width.

In regard to the proposed new private street along the west edge of the site, the applicant does not propose a sidewalk along the east side of the street, so that there would not be a sidewalk along the west building elevation of the parking garage.

Sidewalk Guideline A (60.05.40.7.A) above, the Guideline intends that pedestrian connections be designed for “high levels of pedestrian activity”. Washington County does not designate either SW Barnes Road or Cedar Hills Blvd., abutting the site, as any special category of pedestrian oriented street, corridor or similar. Sidewalk Guideline B (60.05.40.7.B) above, intends that pedestrian connections be provided for the purpose accommodating expected use by pedestrians to connect to building and tenant entrances.

Staff find that a sidewalk is not necessary along the structure because from the southeast corner of the signalized intersection of Barnes Road and the new private street, pedestrians intending to access building entrances in the Town Square Too development would find a more convenient travel path a short distance to the east along the combined sidewalk and pedestrian plaza. If pedestrians wanted to travel to the parking garage from that corner, they would enter the garage near its northwest corner and travel along the internal delineated walkway along the west edge of the aisleways, as shown on Sheet C-1.0.

Staff find that there is no reason for pedestrians to travel along the east side of the private street, along the face of the parking garage, because there are no pedestrian or customer destinations to the south outside Wal Mart site that would not be more easily accessed by the proposed sidewalk along the west side of the private street. Along the east side of the private street, only the proposed Wal Mart parking garage driveways and the truck/loading area driveway are located to the south, prior to reaching the Hwy 26 freeway. These are areas on the site where pedestrians should not be encouraged to walk to, for safety reasons. Therefore, staff find that the area along the east side of the private street (the west elevation of the parking garage) contains no building or tenant entrance that is intended for pedestrian use. Suitable alternate pedestrian connection routes to retail, office and parking area destinations, both within and outside of the Town Square Too development, are provided elsewhere in the design for convenient pedestrian circulation. Therefore, a sidewalk is not necessary or appropriate along the east edge of the private street. Staff conclude that a combination of public sidewalks and private internal walkways, located and designed to encourage desirable pedestrian travel patterns, are proposed and as further conditioned, meets the Design Guidelines for sidewalks.

60.05.40.8. Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple Use, and Commercial districts.

- A. On-site circulation should be easily recognized and identified, and include a higher level of improvements such as curbs, sidewalks, and landscaping compared to parking lot aisles. (Standard 60.05.20.8)*

Staff cite the findings made under Design Guidelines 60.05.40.3 and 60.05.40.7 as applicable to Design Guideline 60.05.40.8. A above. These findings, describe how the proposal is providing distinct internal pedestrian connections, such as a pedestrian walkway across the middle of the parking lot. Staff have recommended conditions of approval that require distinct paving surfaces within parking lot and parking garage aisleways to make such pedestrian travel paths easily recognizable in comparison to ordinary parking lot paving.

B. Long, continuous parking aisles should be avoided if possible, and landscaped as necessary to minimize the visual impact. (Standard 60.05.20.8)

Staff cite the findings made under Design Guidelines 60.05.40.5 as applicable to Design Guideline 60.05.40.8. B above. The applicant proposes placing a majority of parking spaces within a parking garage to minimize the visual impact of surface parking lots. Staff find the surface parking lot design does not propose excessively long, continuous parking aisles. The longest aisle, as measured on its eastern edge, is the 260 foot parking lot aisle along Cedar Hills Blvd. That aisle is landscaped along its entirety by a landscape buffer containing trees ('Doric' Red Maple) and evergreen shrubs to create substantial visual screening between the aisleway and the curb tight sidewalk on Cedar Hills Blvd.

All surface parking lot aisles are partially or completely landscaped along at least one side, except for the 220 foot long aisle along the south face of Retail Building 2, that provides 22 spaces on the north side, plus 2 handicapped accessible spaces. At this location, a 10 foot wide portion of the pedestrian plaza provides access to south facing storefront entrances and windows. Guideline B indicates long continues parking lot aisles should be avoided where possible due to visual impact. To address this concern staff find that the potential for negative visual impact of the aisleway is minimal due to its surroundings. The architecture of Retail Building 2 (see Design Guideline findings under 60.05.35) is aesthetically attractive and it provides a variety of canopies, awnings, and architecturally significant building entrances. Retail Building 2 is placed within a larger pedestrian plaza, which will provide decorative pavement design, by scored concrete, in addition to trees placed in tree wells, with decorative grates, to the east, north and west within the plaza. Staff find that there is no need to place additional trees along the south storefront elevation in an effort to minimize the appearance of parking. The parking lot aisle is not excessively long, and trees would likely provide excessive screening of the essential features of Retail Building 2 which make it attractive. Staff find that the design meets Guideline 60.05.40.8.B.

60.05.40.9 Parking Structures in Multiple-Use Districts

Active ground floor uses should be incorporated in parking structures, particularly on elevations facing Major Pedestrian Routes. (Standard 60.05.20.9)

Staff find that the portion of Guidelines 60.05.40.9, regarding a Major Pedestrian Route, is not applicable. The City of Beaverton has not designated any street abutting the site as a Major Pedestrian Route. As part of the Cedar Mill Town Center / Sunset Transit Center Area Pedestrian System designation map (Exhibit 2.5.13), Washington County does not designate either SW Barnes Road or Cedar Hills Blvd. abutting the site, as a pedestrian oriented street, corridor or similar area.

The parking garage is proposed to accommodate the majority of required vehicle parking within a structure in order to minimize the site area devoted to parking. Although not a Major Pedestrian Route, the applicant's site design and placement of buildings and entrances establishes Barnes Road as the more pedestrian oriented of the two public streets, with Cedar Hills Blvd, being less pedestrian oriented. The north elevation of the main building provides relatively few building openings to the interior of the lower parking level. The north elevation along Barnes Road includes glass enclosed pedestrian entry/lobby areas to the office building and the Wal-Mart store, occupying a ground floor area that is equal to the amount of area affording views into the parking garage interior. The remainder of the north elevation of the main building is occupied by a variety of articulated sections of solid building wall, small column features behind a landscaped plaza, and larger columns that are the ground floor portions of upper story towers. Staff find that the north building elevation provides adequate active ground-floor uses and activity, and that the area of internal parking exposed to Barnes Road is minimal, therefore meeting the Guideline.

Landscape, Open Space and Natural Areas Design Guidelines

60.05.45.1 Common Open Space for Residential Uses in Residential Districts

- A. Common open spaces should be provided that are sized and designed for anticipated users, and are located within walking distance for residents and visitors, and should be integrated into the overall landscape plan. (Standard 60.05.25.1)*

- B. Common open spaces should be available for both passive and active use by people of all ages, and should be designed and located in order to maximize security, safety, and convenience. (Standard 60.05.25.1)*

- C. Common open spaces should be free from all structural encroachments unless a structure is incorporated into the design of the common open space such as a play structure. (Standard 60.05.25.1)*
- D. Common open space should be located so that windows from living areas, excluding bedrooms and bathrooms, of a minimum of four (4) residences face on to the common open space. (Standard 60.05.25.1)*

60.05.45.2 Minimum Landscaping in Residential districts

- A. Landscape treatments utilizing plants, hard-surface materials, or both should be provided in the setback between a street and a building. The treatment should enhance architectural elements of the building and contribute to a safe, interesting streetscape. (Standard 60.05.25.2.A through C)*
- B. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest, and generally increase the attractiveness of a development and its surroundings. (Standard 60.05.25.2.A through C)*

The proposal does not contain residential uses and is not located within a residential zone. Therefore Guidelines 60.05.45.1 and 2 are not applicable.

60.05.45.3 Minimum landscaping for conditional uses in Residential districts and for developments in Multiple Use, Commercial, and Industrial Districts.

- A. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest and generally increase the attractiveness of a development and its surroundings. (Standard 60.05.25.3.A, B, and D)*
- B. Plazas and common areas designed for pedestrian traffic should be surfaced with a combination of landscape and decorative pavers or decorative concrete. (Standard 60.05.25.3.C)*
- C. Use of native vegetation should be emphasized for compatibility with local and regional climatic conditions. (Standard 60.05.25.3.A and B)*
- D. Existing mature trees and vegetation should be retained and incorporated, when possible, into the site design of a development. (Standard 60.05.25.3.A and B)*
- D. A diversity of tree and shrub species should be provided in required landscaped areas. (Standard 60.05.25.3)*

The Landscape Plan (sheet PL-1.0) shows that landscaping is proposed along the edges of building in some cases where building foundation walls need aesthetic relief and along site edges and within the surface parking lot. At other locations, landscape edge treatments are not proposed where the design provides a greater degree of urban form, such as building edges where they abut the pedestrian plaza areas that connect across the northern portion of the site along Barnes Road. As found under Guideline 60.05.40.8.B, landscape screening treatments are generally unnecessary within the pedestrian plaza areas and would likely reduce aesthetic qualities of pedestrian plazas.

The pedestrian plazas serve as common areas of the site, and are proposed to be finished with decoratively finished concrete, whereby the concrete would be scored as to be like very large oversized paver blocks. Some landscaping is provided within the plazas, whereby plant materials are arranged in a more urban form such as tree within tree wells and decorative grates, sculptural boulder placements, formal plantings of 'Capital' Flowering Pear, and evergreen shrubs within raised bed planters. Decorative trash enclosures, flag poles and benches are additional plaza elements.

60.05.45.4 Public Open Space.

Open space available for public use but in private ownership should be accessible to the public, designed for safety, include active, passive or both spaces and improvements, but should not include environmentally sensitive areas. (Standard 60.05.25.4)

As the Town Square Too development is not residential or a park development, active open space activities, such as athletic fields and playgrounds are not necessary. Passive open space, such as areas to facilitate walking and sitting, as respites from shopping, are proposed. Passive open space on site is supported with a design including benches, open plaza area, and aesthetic features such as landscape planters that include seat walls, sculptural boulder rocks, in addition to flag poles and decorative trash receptacles.

60.05.45.5 Retaining Walls

Retaining walls over six (6) feet in height or greater than fifty (50) feet in length should be architecturally treated, incorporated into the overall landscape plan, or screened by landscape material. (Standard 60.05.25.5)

Retaining walls are primarily located at two areas of the site; along approximately 300 feet in length wrapping around the southwest corner of the site to a point across the truck ramp from the loading dock screen wall. The other major wall extends approximately 215 feet around the southeast corner of the site. The walls are

generally between one (1) and six (6) feet in height. The applicant states that the walls will be finished in a material and color similar that used on the building, but does not specify which material and color is proposed. Staff note that the walls are placed within the landscaped buffer and the Landscape Plan shows that a majority of the landscape plant materials are proposed outside of there wall, to the south, where as viewed from the southwest, south and southeast, landscape plantings will partially screen the view of the walls. Although the proposal to screen the walls with landscaping makes the appearance of the walls less significant, the applicant proposes to treat the walls in one of the architectural finishes found on the main building.

60.05.45.6 Fences and Walls

*A. Fences and walls should be constructed of attractive, durable materials.
(Standard 60.05.25.6)*

*B. Fences and walls constructed in front yards adjacent to public streets should provide the opportunity to view into the setback from the street unless high traffic volumes or other conflicts warrant greater security and protection.
(Standard 60.05.25.6)*

The applicant's written narrative, dated April 20, 2006 states in response to the Design Guidelines that fencing is proposed to be coated chain link. The applicant's Materials & Finishes Form, as an attachment to the written narrative, lists fencing to be "Metal ornamental fence above masonry knee wall", and that it is "Powder Coated Finish "Black", and is proposed to be located at the "Garden Center". Staff note that the Sheet A-3 of the building elevation drawings by Perkowitz+Ruth, dated March 9, 2006, shows such ornamental metal fencing in black, consistent with the Material & Finishes form. To meet Guideline 60.05.45.6, staff recommend a condition of approval requiring the ornamental metal fencing and recommends against the use of chain link fencing for a highly visible location like the garden center's outdoor sales area. Staff could support black coated chain-link fence where it could be obscured from view if placed within landscape screening. With regard to fences and walls in front yards adjacent to public streets, the design does not include a proposal for either fences or walls along Barnes Road.

60.05.45.7 Changes to existing on-site surface contours at residential property lines

The perimeters of properties should be graded in a manner to avoid conflicts with abutting residential properties such as drainage impacts, damage to tree root zones, and blocking sunlight. (Standard 60.05.25.7)

The applicant addresses this Guideline, but the Guideline does not apply. The site does not abut (does not share a common property line with) residential zoning.

60.05.45.8 Integrate water quality, quantity, or both facilities.

Above-ground stormwater detention and treatment facilities should be integrated into the design of a development site and, if visible from a public street, should appear as a component of the landscape design. (Standard 60.05.25.8)

The application has not proposed an above ground storm water detention and treatment facility. The increase in the site's runoff rate is planned to be attenuated by storage in underground chambers and slowly released to mimic the pre-development condition. Additionally, storm water is proposed to be adequately filtered by a system using Stormwater360 filter cartridges. Therefore, an above ground facility is not needed or required to be integrated into the landscape design.

60.05.45.9 Landscape Buffering and Screening

- A. A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses. The buffer standards shall not be applicable along property lines where existing natural features such as flood plains, wetlands, riparian zones and identified significant groves already provide a high degree of visual screening. (Standard 60.05.25.9)*
- B. When potential conflicts exist between adjacent zoning districts, such as industrial uses adjacent to residential uses, landscape screening should be dense, and the buffer width maximized. When potential conflicts are not as great, such as a commercial zoning district abutting an industrial zoning district, less dense landscape screening and narrower buffer width is appropriate. (Standard 60.05.25.9)*
- C. Landscape buffering should consist of a variety of trees, shrubs and ground covers designed to screen potential conflict areas and complement the overall visual character of the development and adjacent neighborhood. (Standard 60.05.25.9)*

WCDC Section 411-3 and 411-5 establish the applicable Screening & Buffering Requirements for the site. By identification of zoning district of the site, and of surrounding zoning, the applicable matrix standards of Sec.411-5 & 411-6 were reviewed by the applicant and staff. The site is zoned TO-RC and abuts properties zoned TO-RC and TO-BUS. The screening and buffering matrix standards indicate such screening/buffering is not required at this site because the zoning districts are either the same or similar. The site does not abut residential zoning. Therefore, Guidelines 60.05.45.9.B and C are not applicable.

Therefore the landscape buffer proposed by the applicant is not subject to a minimum requirement for width, number or trees or plant spacing. Staff cite the findings made under Guidelines 60.05.40.2, 60.05.40.4, and 60.05.45.5 as applicable to Guideline 60.05.45.9.C. The applicant proposes landscape screening that will be adequate for the site because it is addition to screening provided by retaining and loading dock walls, the location and placement of the main retail building walls, as related to the finished grade (topography) of the site. The landscape buffer will be adequate to screen the potential conflict areas, stated by staff to be the south loading and waste collection area. Landscape plants include ornamental and native plant materials that will provide desirable aesthetic values so that landscaping features will be complementary to the visual character of the adjacent neighborhood.

60.05.45.10 Natural Areas

Natural features that are indigenous to a development site, such as streams, wetlands, rock outcroppings, and mature trees should be preserved, enhanced and integrated when reasonably possible into the development plan. (No companion standard)

Staff has found inadequate documentation for how the proposed development's stormwater discharge on the site north of Barnes Road can be accommodated according to adopted standards. The site to the north of Barnes Road contains a water quality sensitive area as designated by Clean Water Services. The applicant's current CWS letter, submitted by the applicant, does not reflect the full scope of the proposal. The applicant proposes to use and reconstruct if necessary, a pipe culvert and outfall that may require additional measures to prevent soil erosion, protect existing mature trees, and to convey the water safely into the receiving stream. Depending upon scope of the Service Provider letter from CWS, if affirmative, the City may make findings that a revised CWS letter is adequate to find that with conditions of approval requiring authorizations from the resource agencies, the full scope of the applicant's proposal is feasible and can meet the guideline. At this time, these issues have not been quantified nor satisfactorily addressed in the submitted materials or by the existing CWS service provider letter.

Lighting Design Guidelines

60.05.50 Lighting

1. *Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaires. (Standard 60.05.30.1 and 2)*

The applicant's Lighting Plan (Sheet C-3.1) illustrates locations of proposed light poles for illumination of the parking lot and pedestrian use areas. The plan also includes mapped grid showing projected iso-lines representing the variable degree of expected illumination, in 'foot-candle', across the site. The interior of the parking garage is proposed to be illuminated. Light poles and bollard lights are shown to be placed throughout the site to provide adequate illumination. Wall mounted fixtures are proposed, shown as "NK1" fixtures mounted at 15 feet high on building walls over selected entrances, on the Lighting Plan legend (Sheet C-3.1).

2. *Pedestrian scale lighting should be an integral part of the design concept except for industrial projects. Poles and fixtures for pole-mounted lighting should be of a consistent type throughout the project. The design of wall-mounted lighting should be appropriate to the architectural design features of the building. (Standard 60.05.30.2)*

Technical Lighting Standards found on Table 60.05-1 indicate that for development in multiple use districts without residential uses, that 15 feet is the maximum pole height for pedestrian ways. In pedestrian plaza areas the Lighting Plan proposal includes the use of bollard lights of approximately four (4) feet in height. Wall mounted fixtures are proposed at 15 feet mounting height. The combination of bollard lighting and wall mounted fixtures at 15 feet will assist in providing a pedestrian orientation to the plaza area. Table 60.05-1 also shows that 30 feet is the maximum height for pole mounted fixtures in surface parking lots. Light fixtures are identified by the Lighting Plan to be mounted at approximately 30 feet on poles to illuminate the truck loading and east parking lot areas. The Lighting Plan identifies a 30 foot high pole above a 3 to 4 foot high base.

- 3 *Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating lens shields, shades or other measures to screen the view of light sources from residences and streets. (Standard 60.05.30.1 and 2)*

The Lighting Plan's iso-grid of illumination figures show a moderate level of projected illumination across the site, generally between 2 and 6 foot-candle across parking and circulation areas, and lower illumination levels between 1 and 4 foot-candle in the pedestrian plaza areas. The projected illumination levels and the proposal for light shields shows that the lighting design should prevent excessive illumination as viewed from nearby streets. Based on the finding for Guideline 60.05.50.2., above, staff cannot fully determine the ability of the view of light sources (the fixture lamps) to be well screened from surrounding areas. Although the applicant proposes lighting shields (Detail 1 on sheet C-3.1), for this Guideline it is not clear whether these shields will be effective in limiting direct and indirect glare due to proposed fixtures mounted at 30 feet above grade.

The applicant has not provided information on the design of light fixtures with regard to the ‘cut-off’ design requirements of Table 60.05-1.D.

Staff find that the best method to ensure consistency with lighting standards is to require a test of illumination levels after construction is final, and after the lighting ‘burn-in’ period whereby after a period of 90 days of operation, light fixtures have lost approximately 20 percent of their intensity level, so that the period after 90 days continuous nighttime operation will reflect a truer measurement of the intensity levels provided to the site and adjacent area over the long-term.

Therefore, staff recommend a condition of approval requiring that a Lighting Engineer, licensed in the State of Oregon, conduct a test of illumination levels and of direct and indirect glare, and provide and certify such test results to the City prior to the City’s release of the performance security for the development. The condition of approval is the best method by which for the City to ensure that the proposed Lighting Plan will meet the City’s Technical Lighting Standards.

Therefore, staff find that by meeting the condition of approval, the proposed Lighting Plan will meet the Guideline.

- 4 *On-site lighting should comply with the City’s Technical Lighting Standards. (Standard 60.05.30.1 and 2)*

Table 60.05-1 TECHNICAL LIGHTING STANDARDS

- A. *Types of Lighting.*** *The Technical Lighting Standards shall apply to bollard luminaire, pole-mounted luminaire, and non-pole-mounted luminaire.*
- B. *Areas to Be Applied.*** *The roadways, access drives, parking lots, vehicle maneuvering areas, pathways and sidewalks of all new developments and building entrances shall be lighted in conformance to the technical lighting standards. These standards are not intended to apply to public street lighting.*
- C. *Conformity of Lighting Plans to this Section.*** *All lighting plans submitted to the City shall comply with the standards of this table.*
- D. *Standards.*** *The following standards are required of all exterior lighting:*
1. *When a bollard luminaire, or pole-mounted luminaire, or non-pole-mounted luminaire has total cutoff of light at an angle greater than ninety (90) degrees, the minimum required interior illumination, the maximum permitted illumination at the*

property line, and the maximum permitted height of Luminaires shall be as shown on Table 60.05-1.

Information is not provided in the Lighting Plan in order for staff to make a conclusion. Therefore, staff find that the lack of detail in the Lighting Plan on this item requires the condition of approval as recommended under Lighting Guideline 3 (Section 60.05.50.3), above.

2. *When a bollard luminaire, or pole-mounted luminaire, or non-pole-mounted luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, then the minimum permitted interior illumination, the maximum permitted illumination within five (5) feet of any property line, and the maximum permitted height of Luminaires is also shown on Table 60.05-1.*

Information is not provided in the Lighting Plan in order for staff to make a conclusion. Therefore, staff find that the lack of detail in the Lighting Plan on this item requires the condition of approval as recommended under Lighting Guideline 3 (Section 60.05.50.3), above.

E. General Provisions. *Notwithstanding any other provision of this Section to the contrary:*

1. ***Design Standards for Residential, Commercial, Industrial and Multiple-Use Districts:***
 - a. *No flickering or flashing lights shall be permitted.*
 - b. *No bare bulb lights shall be permitted for single-family attached development and multi-family attached development.*
 - c. *No strobe lights shall be permitted.*
 - d. *Light sources or Luminaires shall not be located within areas identified for screening or buffering except on pedestrian walkways.*

The applicant's Lighting Plan does not propose any flickering, flashing or strobe lights. All of these lighting methods are prohibited by the CBDC.

2. ***Special Design Standard for Residential Districts.***
No exterior neon lights shall be permitted.

Not applicable. The site is not located within a residential zone.

3. ***Special Design Standard for Commercial and Multiple-Use Districts.*** *Exterior neon lights shall only be permitted when incorporated into the architectural design of a building.*

The applicant's Lighting Plan does not propose the use of neon lighting. Should the use of neon be proposed in the future for placement on buildings, other than what may be permitted by approval of a sign permit, it will be subject to Design Review approval and will be subject to the Technical Lighting Standards.

F. Exemption for Specified Public Outdoor Recreation Uses:

Not applicable. The applicant does not propose a Public Outdoor Recreation Use.

Staff cite the findings for Lighting Guidelines under Sections 60.05.50.1, 2 and 3, above, as applicable to Lighting Guideline 4. Staff find portions of the proposed Lighting Plan shows illumination adequate to meet meeting the Technical Lighting Standards of Table 60.05-1, but that detailed information necessary to make findings on Section D of the Table, have not been submitted with adequate detail. Staff find, that by satisfying the recommended condition of approval requiring the submittal of a lighting test results by a lighting engineer, the proposal will meet the applicable Technical Lighting Standards of Table 60.05-1.

Table 60.05-1 (continued)

Zoning District Type	Minimum Required Illumination (internal) in Foot-candles		Maximum Permitted Illumination (internal) in Foot-candles		Maximum Permitted Illumination at property line in Foot-candles	Maximum Permitted Height of Luminaires
	>90	<90	>90	<90		
Residential	1.0	0.7	TBD	TBD	0.5	Pole-mounted Luminaires (inclusive of above grade base and light fixture): <ul style="list-style-type: none"> ◆ 15 feet for on-site pedestrian ways. ◆ 20 feet for on-site vehicular circulation areas. Wall-mounted Luminaires for the lighting of pedestrian or vehicular circulation areas: <ul style="list-style-type: none"> ◆ 20 feet above building finished grade.
Commercial and Industrial	1.5	1.0	TBD	TBD	0.5	Pole-mounted Luminaires (inclusive of above grade base and light fixture): <ul style="list-style-type: none"> ◆ 15 feet for on-site pedestrian ways. ◆ 30 feet for on-site vehicular circulation areas. ◆ 15 feet for the top deck of non-covered parking structures. Wall-mounted Luminaires for the lighting of pedestrian or vehicular circulation areas: <ul style="list-style-type: none"> ◆ 15 feet above building finished grade for on-site pedestrian circulation areas ◆ 30 feet above building finished grade for on-site vehicular circulations areas.

Table 60.05-1 (continued)

Zoning District Type	Minimum Required Illumination (internal) in Foot-candles		Maximum Permitted Illumination (internal) in Foot-candles		Maximum Permitted Illumination at property line in Foot-candles	Maximum Permitted Height of Luminaires
	>90	<90	>90	<90		
Multiple Use:			TBD	TBD	0.5 (all)	Pole-mounted Luminaires (inclusive of above grade base and light fixture): <ul style="list-style-type: none"> ◆ 15 feet for on-site pedestrian ways for all development types. ◆ 20 feet for on-site vehicular circulation areas for residential only and multiple use with residential. ◆ 30 feet for on-site vehicular circulation areas for multiple use non-residential development and non-multiple use/non-residential development.. ◆ 15 feet for the top deck of non-covered parking structures for all development types. Wall-mounted Luminaires for the lighting of pedestrian or vehicular circulation areas: <ul style="list-style-type: none"> ◆ 20 feet above building finished grade for residential only and multiple use with residential development. ◆ 15 feet above building finished grade for multiple use non-residential development and non-multiple use / non-residential development.
Residential only		0.7				
Multiple use with residential		0.7				
Multiple use non-residential development	1.5	1.0				
Non-multiple use / non residential development	1.5	1.0				

Summary of Findings for Design Review Criterion 4.

Staff cite the analysis above, by which the evaluation of the proposal's consistency to the applicable Design Review Guidelines of Chapter 60 is made.

Staff find that Guideline 60.05.45.10 is not met because of the lack of an amended CWS Service Letter, that acknowledges and affirms the ability of the applicant to discharge water into the a CWS sensitive area north of Barnes Road.

If an amended CWS Service Provider letter is submitted and is adequate to address staff's concern, then staff may be able to find that, by satisfying conditions of approval, the proposal will be consistent with all applicable Design Review Guidelines.

FINDING: Therefore, at this time staff finds that Criterion 4 is not met.

5. For additions to, or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Guidelines if any of the following conditions exist:

- a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or***
- b. The location of existing structural improvements prevent the full implementation of the applicable guideline; or***
- c. The location of the existing structure to be modified is more than 300 feet from a public street.***

If the above listed conditions are found to exist and it is not feasible to locate a proposed addition in such a way that the addition abuts a street, then all applicable design standards except the following must be met:

- d. If in a Multiple-Use District, building location, entrances and orientation along streets, and parking lot limitations along streets (Standards 60.05.15.6 and 60.05.20.8)***
- e. If in a Multiple-Use or Commercial District, ground floor elevation window requirements (Standard 60.05.15.8).***

Facts and Findings:

The applicant's proposal is a new development and not an addition to, or a modification of, an existing development. Therefore, criteria 5a through 5e, above, do not apply to this proposal.

FINDING: Therefore, staff finds that Criterion 5 is not applicable.

- 6. *For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP.***

Facts and Findings:

The applicant has submitted a Design Review Three application for a new commercial development and does not request project phasing. The request is not a Design Review Build-out Concept Plan (DRBCP) proposal. Therefore, Criterion 6 does not apply to this proposal.

FINDING: Therefore, staff finds that Criterion 6 is not applicable.

- 7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

Facts and Findings:

The applicant has submitted for Design Review Three. The applicant has also submitted a Loading Determination. Approval of both applications is necessary for the development to proceed. The applicant will be required to submit documents and materials for Site Development Permit and Building Permit review to satisfy conditions of approval and to meet applicable construction and related City standards, including those of the Engineering Design Manual. The applications and documents have been, and are conditioned to, be submitted to the City in the proper sequence.

FINDING: Therefore, staff finds that the proposal satisfies Criterion 7.

SUMMARY OF FINDINGS:

For the reasons identified above, staff find that a majority of the criteria for Design Review Three approval are met and supported by approval criteria findings. Staff also provide findings noted above, that Design Guideline 60.05.45.10 with regard to Natural Areas, does not meet the criterion for approval under Section 40.20.15.3.C of the Beaverton Development Code.

The Facilities Review Committee met on April 5, 2006, and identified draft conditions necessary to meet the technical requirements identified in Section 40.03 of the Development Code. The Committee, at that time, found not all of the Section 40.03 criteria were met. Since the time that the Facilities Review Committee report was drafted, prior to April 5, 2006, the applicant has submitted information that had been previously cited by the Committee to be necessary. The Facilities Review Committee's report (Attachments A.1, A.2 and A.3), containing applicable criteria, findings, and recommended conditions of approval, has been subsequently updated and is shown with the date April 25, 2006. One item, the lack of an amended CWS Service Provider Letter remains the sole reason that prevents a finding that all criteria have been met. The updated Facilities Review findings contained in this document dated April 25, 2006, conclude that the Design Review application does not meet applicable Facilities Review Criteria 1, 3, 9 and 11.

Based on the facts and findings presented, the proposal DR2005-0068 (Town Square Too – Wal Mart), does not meet all of the applicable Design Review Three criteria for approval.

RECOMMENDATION

Based on the facts and findings presented, and specifically due to the lack of an amended CWS Service Provider letter concerning the discharge of storm water from the subject site, staff recommend **DENIAL of DR2005-0068 (Town Square Too – Wal Mart)**. There are no conditions of denial.

If the Board of Design Review finds that all of the criteria for approval are met, the staff recommend **APPROVAL of DR2005-0068 (Town Square Too – Wal Mart)** subject to conditions of approval on Attachment D.

CONDITIONS OF APPROVAL

LO 2005-0003 (Town Square Too – Wal Mart)

Prior to issuance of the site development permit, the applicant shall:

1. Show on the plans, one (1) 'Type B' loading berth or equivalent 12 foot by 30 foot loading area, in close proximity to Retail Building 2. The loading berth or area may be placed to the east or west of the parking spaces along the south elevation of the building, and may delete no more than four (4) vehicle parking spaces. Location of fire and emergency vehicle access shall take precedence over proposed location of any loading space. (Development Services / JO)

DR 2005-0068 (Town Square Too – Wal Mart)

RECOMMENDED CONDITIONS OF APPROVAL

Should the application be found by the Board of Design Review to meet the Facilities Review Criteria 1, 3, 9 and 11, and Design Review Three Criteria 3 and 4, the Director finds that, by satisfying the following conditions of approval, the development is in conformance with the approval criteria contained in Section 40.03 and 40.20.15.3.C of the Development Code. Therefore, the Conditions of Approval are recommended below.

Prior to issuance of the site development permit, the applicant shall:

1. Provide emergency access, meeting Tualatin Valley Fire & Rescue access needs, between SW Cedar Hills Blvd. and the parking lot aisleway. Such access shall be shown on the site development plans as a commercial driveway approach from Cedar Hills Blvd. in accordance with the Beaverton Engineering Design Manual standard. (Site Development Div./JJD)
2. Provide evidence of Oregon Department of Transportation (ODOT) access permit approval for fire and emergency vehicle access to the Wal Mart site from Cedar Hills Blvd. (Site Development Div./JJD)
3. Provide construction drawings for the following capacity improvements: (RW/ Transportation)
 - a) New traffic signal at the intersection of Barnes Road and 117th Avenue.
 - b) New traffic signal at the intersection of Barnes Road and the site access roadway.

- c) Interconnection of traffic signals along Barnes Road between Cedar Hills Boulevard and 117th Avenue, in accordance with a plan approved by the County Engineer.
- d) New traffic signal at the intersection of Cedar Hills Boulevard and the eastbound ramps of Highway 26, including interconnection with the existing traffic signals along Cedar Hills Boulevard from Butner Road to the westbound off-ramp from Highway 26.
- e) Widening of Butner Road to provide a separate eastbound left-turn lane. The City Traffic Engineer may delete this condition if the State Traffic Engineer determines that the widening of Butner Road is not needed for coordination of traffic signals in accordance with ODOT standards or if Washington County does not approve permits to widen Butner Road.
- f) Widening of Barnes Road to provide a minimum of five lanes plus bike lanes between Cedar Hills Boulevard and 117th Avenue.
- g) Sidewalk with a minimum width of 10 feet along the south side of Barnes Road along the site frontage.
- h) On the westbound approach of Barnes Road to the site access roadway, additional widening to provide two left-turn lanes with a minimum storage length of 400 feet in each left-turn lane.
- i) On the eastbound approach of Barnes Road to Cedar Hills Boulevard, additional widening to provide two right-turn lanes with one lane extending to the site access roadway and with the second lane having a minimum storage length of 200 feet.
- j) On the westbound approach of Barnes Road to Cedar Hills Boulevard, additional widening to provide two left-turn lanes, one through lane and one through/right-turn lane.
- k) On the southbound approach of Cedar Hills Boulevard to Barnes Road, widening to provide two southbound lanes plus a bike lane plus a left-turn lane having a minimum storage length of 140 feet.
- l) On Cedar Hills Boulevard north of Barnes Road, widening to provide two northbound lanes plus a bike lane for a minimum of 300 feet north of Barnes Road plus transition to the existing roadway.
- m) On Cedar Hills Boulevard south of Barnes Road, widening to provide three southbound lanes, two northbound left-turn lanes extending to the westbound off-ramp from Highway 26, two northbound through lanes, the existing northbound right-turn lane, and bike lanes.
- n) On southbound Cedar Hills Boulevard south of Barnes Road, revisions to place the gore point of the westbound on-ramp to Highway 26 a minimum of 225 feet north of the stop bar for the signal at the intersection with the westbound off-ramp from Highway 26.
- o) On Cedar Hills Boulevard between Butner Road and the eastbound ramps to Highway 26, widening to provide a northbound right-turn lane.

- p) On the eastbound off-ramp from Highway 26 at Cedar Hills Boulevard, widening to provide a right-turn lane with a minimum storage length of 300 feet.
 - q) On the west side of Cedar Hills Boulevard between Barnes Road and the westbound ramp to Highway 26, a sidewalk with a minimum width of 10 feet in accordance with the concept plan shown in the application.
 - r) Grading to provide for future construction of a multi-use pathway to a future under-crossing of the westbound on-ramp to Highway 26, in accordance with the concept plan shown in the application.
 - s) Revisions to striping, signing, signals and sign bridges as necessary to accommodate the capacity improvements required in Conditions 3.a through 3.r.
 - t) For each of the above improvements, the design shall be consistent with the design requirements of the road authority having jurisdiction of the roadway and shall include illumination to the standards of the road authority having jurisdiction.
4. Provide construction drawings for the following safety improvements in the vicinity of the intersection of Barnes Road and Highway 217, in conformance with the design standards of ODOT and Washington County:
- a. Widening to provide an additional westbound lane on Barnes Road between Baltic Avenue and the Highway 217 ramp.
 - b. On the Highway 217 ramp to Barnes Road, extension of the northbound right-turn lane to provide 650 feet of storage length.
 - c. Revisions to striping, signing, signals and sign bridges as necessary to accommodate the safety improvements required in Conditions 4.a through 4.b.
5. Provide all Synchro and SimTraffic computer files that analyzed operation conditions under the 'existing', 'baseline', 'project', and 'project with mitigation' scenarios used in the most recent revision of the Traffic Impact Analysis. (RW/ Transportation)
6. Provide updated traffic count data for weekday morning and afternoon peak periods at the intersection of Highway 217 and Barnes Road. The data shall be collected more than 90 days after the opening of a new westbound on-ramp to Highway 26 from the intersection. Based on the new data, submit a revision to the TIA showing how the revised data has changed the requirements for mitigation at the intersection. Based on the revision to the TIA, the State Traffic Engineer may reduce the improvements required by Condition #4 provided that the reduced requirements will provide anticipated 2007 traffic operations in conformance with ODOT capacity and safety standards. (RW/ Transportation)
7. Provide plans for distinctive pedestrian access and crossing areas within the garage area. (RW/ Transportation)

8. Provide evidence that right of way has been dedicated as needed to accommodate the improvements required by Conditions 3 and 4, and that the right-of-way dedications have been accepted by each appropriate road jurisdiction. (RW/ Transportation)
9. Revise site plans to show a raised curb or other barrier approved by the City Traffic Engineer to prevent left turns to or from the site access road for a distance of 300 feet south of the Barnes Road intersection. (RW/ Transportation)
10. Provide evidence that new street intersections will meet City and County requirements for intersection sight distance. No obstructions, including but not limited to parking, shall be placed within the driveway intersection sight vision areas except as provided by City ordinance. New and existing driveway intersections shall meet sight distance criteria in the City's Engineering Design Manual for the design speed of the roadway. (RW/ Transportation)
11. Provide plans that show 13 covered and lighted long term bike parking spaces and 13 short term spaces for the Wal-Mart building. Show 2 covered and lighted long term bike parking spaces and 2 short term spaces for the small retail building. Show 2 covered and lighted long term bike parking spaces and 2 short term spaces for the office building. (RW/ Transportation)
12. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4303 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (February 2004, Resolution and Ordinance 2004-009), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
13. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4303; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
14. Have the ownership of the subject property guarantee all public improvements, storm water management (quality and quantity) facilities, site grading, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a

review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)

15. Provide proof of lot consolidation for all the parcels into one fee-simple, deeded lot along with proof of quit-claiming or extinguishment of easements and other ownership encumbrances that conflict with construction, or otherwise provide plans showing that any area within the development remaining under separate ownership, without a land division approval by the City: (1) shall have each lot independently served by utility systems as required by the City Engineer and City Building Official per City standards. (2) shall construct all site storm and sanitary sewer plumbing serving more than one lot or crossing onto another lot, to public system requirements per City standards, and (3) shall not consider sheet flow of surface water from one lot's paved area to another lot's paved area as a direct plumbing service. (Site Development Div./JJD)
16. Submit any required off-site easements and right of way dedications, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
17. Have obtained the City Building Official's approval of the proposed site utility plan for private plumbing needed to serve the development including private fire suppression systems, backflow prevention measures, and regulated utility service locations outside the proposed building pads. (Site Development Div./JJD)
18. Provide plans that show; (1) drainage within the covered parking are piped to the sanitary sewer system via an API or CPS-type oil/water separator as approved by the City Building Official, (2) an automatic or manual shut-off valve designed to prevent spills from entering the sanitary sewer system, are installed in the discharge line prior to the connection with the public sanitary sewer; (3) areas immediately adjacent to any opening in the structure where precipitation may fall, track, or be blown into the covered parking, are either reverse-graded, trench drained, or bermed from other portions of the facility, to minimize the amount of stormwater being transported beneath the cover. The parking structure cover must have a minimum overhang of 5 feet on each side as measured relative to a berm, trench drain, or pavement grade break. (Site Development Div./JJD)
19. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the Barnes Road, Cedar Hills Boulevard, and other required off-site improvement work within County controlled right of way. (Site Development Div./JJD)

20. Submit to the City a copy of issued permits or other approvals needed from the State of Oregon Department of Transportation (ODOT) for work within, and/or construction access to the Sunset Highway and any required off-site improvement work within ODOT controlled land. (Site Development Div./JJD)
21. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans. (Site Development Div./JJD)
22. Submit a copy of issued permits or other approvals needed from the Tualatin Valley Water District for public water system construction, backflow prevention facilities, and service extensions. (Site Development Div./JJD)
23. Submit a detailed water supply analysis (Fire Flow) to the City Building Official in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. (Site Development Div./JJD)
24. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for storm system connections. (Site Development Div./JJD)
25. Submit a completed 1200-C General Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. (Site Development Div./JJD)
26. Provide a detailed drainage analysis of the subject site and proposed construction locations prepare a report prepared by a professional engineer, meeting the standards set by the City Engineer, identifying all contributing drainage areas and plumbing systems on and adjacent to the site. The analysis shall also delineate all areas affected by the required development construction which are inundated during a 100-year storm event in addition to any mapped FEMA flood plains and flood ways. (Site Development Div./JJD)
27. Submit to the City a certified impervious surface determination of the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site or individual lots if applicable. (Site Development Div./JJD)

28. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed for any common areas or private streets. The project shall be eligible for a storm water system development charge credit equal to the estimated construction cost value of extra capacity improvements as determined and administered by the City Utilities Engineer. (Site Development Div./JJD)
29. Submit a copy of issued permits or other approvals needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers (for work within a jurisdictional wetland). (Site Development Div./JJD)
30. Provide plans showing a Stormfilter system (for treatment of the site's piped surface water runoff) with a minimum of 3.0 cartridges per full tributary impervious acre. Plans shall also show a trash capture water quality pre-treatment unit (ex: CDS manhole, Snout installation or City of Beaverton approved equivalent as determined by City Engineer) located in front any Stormfilter vaults or ahead of covered subsurface detention systems. Plans shall also show a high flow bypass system to bypass surface water runoff high flows (flows greater than the 5-year design storm) around any Stormwater vaults. (Site Development Div./JJD)
31. Submit a geotechnical and geo-environmental report with the site development permit application for review and approval by the City Engineer. The report shall include an assessment of the soil and any ground/surface water issues, remediation methods, compaction specifications, and other special construction requirements. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer. (Site Development Div./JJD)
32. Provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. Where existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee-in-lieu of undergrounding be paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
33. Provide plans showing a City standard commercial driveway apron or an approved County equivalent portland-cement concrete driveway apron at the intersection of any private, common driveway and a public street. (Operations Dept./SB, Site Development Div./JJD)

Prior to building permit issuance, the applicant shall:

34. Ensure that Design Review approval has not expired. In accordance with Section 50.90.1 of the Development Code, Design Review approval shall expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (Development Services / JO)
35. Comply with the State of Oregon Building Code in effect as of date of application for the building permit, including the following: (1) The 2003 edition of the International Building Code as published by the International Code Conference and amended by the State of Oregon; (2) 2003 International Mechanical Code as published by the International Code Council and amended by the State of Oregon; (3) the 2003 edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and amended by the State of Oregon; (4) the 2005 edition of the National Electrical Code as published by the National Fire Protection Association and amended by the State of Oregon; and (5) the 2003 International Fire Code as published by the International Code Council as amended by Tualatin Valley Fire and Rescue. (BR/Building Division)
36. Provide written evidence that the haulers of waste and recycled materials have established recommendations with regard to the location, design and access to on-site solid waste facilities. Such recommendations shall be incorporated into the building and site design, as shown on building permit plans, as evidence of consistency with the requirements of Washington County Development Code Sec. 406.6. (JO/Development Services)
37. Provide an adequate travel pedestrian route within the parking structure by the placement of wheel stops to provide for vehicle stall depth of 15.5 feet. This requirement applies to all parking spaces along the interior eastern-most parking row, except where parking spaces may be superseded by handicapped parking space dimension requirements administered under the Building Code. (JO/Development Services)
38. Obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
39. Install all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)

40. Submit to the City, as part of the site development permit, a certified impervious surface determination of the proposed project prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total. In addition, specific types of impervious area totals, in square feet, shall be given for roofs, parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, the new impervious surface area created, and total final impervious surfaces areas on the entire site or individual tax lots if applicable. (Site Development Div./JJD)
41. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed. (Site Development Div./JJD)
42. Submit a completed Landscape Tree mitigation worksheet and mitigation tree planting plan showing compliance with the numerical mitigation requirements of Section 60.60.25.9.C. (Development Services / JO)

Prior to building occupancy permit issuance, the applicant shall:

43. Ensure all site improvements, including grading and landscaping is completed in accordance with approved plans. (Development Services / JO)
44. Ensure all construction is completed in accordance with the approved Materials and Finishes form and Materials Board. (Development Services / JO)
45. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the approved building elevations and plans. (Development Services / JO)
46. Ensure all landscaping, including fencing, landscape planters and walls approved by the decision making authority are installed unless a performance security, equal to 110 percent of the cost of the landscaping not so installed, is filed with the City assuring such installation within six months of occupancy. All performance securities submitted shall itemize the landscape elements in terms of cost of materials and labor. (Development Services / JO)
47. Ensure that the planting of all approved deciduous trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Deciduous trees as proposed in the Landscape Plan, other than Landscaped Tree mitigation, shall have straight trunks and be fully branched, with a minimum caliper of 2.5 inches and a minimum height of 10 feet at the time of planting, except Vine Maple at smaller caliper size. Dwarf and compact

varieties may be may be approved by the Board of Design Review at any size. Deciduous trees may be supplied bare root provided the roots are protected against damage. Each tree is to be adequately staked. (Development Services / JO)

48. Trees planted as mitigation for removed Landscape Trees shall be provided consistent with the approved Tree Mitigation Plan and Landscape Plan. (Development Services / JO)
49. Ensure that the planting of approved street trees and vegetation or the pruning thereof, within the public right-of-way or public easements, has occurred in accordance with the City Tree Planting & Maintenance Policy (Resolution 3391). The provisions for acceptance of a performance security, meeting the requirement for landscaping, shall also apply to the planting of street trees approved through the Design Review process. (Development Services / JO)
50. Ensure coniferous trees, having been balled and burlapped or grown within suitable containers for one year, are planted. Each coniferous tree shall be planted at the following heights as proposed in the Landscape Plan: Douglas-fir: 8 feet, Austrian Pine: 10 feet, and Hogan Cedar: 6 feet in height. Additional dwarf and compact varieties may be approved by the Board of Design Review at any size. All trees shall be fully branched and adequately staked at the time of planting. (Development Services / JO)
51. Ensure ground cover plantings are installed at a minimum of 1 gallon pots with 24 inch spacing, or 2 gallon pots with 36 inch spacing. Rows of plants are to be staggered for a more effective covering. (Development Services / JO)
52. Ensure deciduous or evergreen shrubs are installed as proposed in the Landscape Plan at a minimum 5 gallon container size, or are otherwise planted at a growth height or spread of 18 inches. All plants shall be in containers or be in burlap balls. (Development Services / JO)
53. Ensure landscaped areas approved to be planted in lawn have sod installed between November 1 and March 1, and between June 1 and September 1 of the year. Grass seed is approved as an option at other times of the year. Sod may be placed at any time of year. This condition is not applicable to special seed mixes approved for use in natural resource areas, steep slopes, or in areas for the primary purpose of erosion control. (Development Services / JO)
54. Ensure off-street parking, loading and driveway areas are screened from streets and surrounding properties with landscape areas containing approved plant material with a minimum height, achieved after one year of growth, of 30 inches. Where landscaped berms, walls, raised planters or similar features of at least 30 inches in height have been approved to screen streets

and surrounding properties, the plant materials are not required.
(Development Services / JO)

55. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Development Services / JO)
56. Ensure all rooftop mechanical equipment and similar features are screened from public view, as viewed from abutting streets and sidewalks, or placed within the building, or are otherwise made an integral part of the structure. Rooftop screening where visible, shall consist of at least one material and color used on building elevations. (Development Services / JO)
57. Fence materials used in the outdoor garden and sales area shall consist of metal fence posts and railings consistent with that shown on Sheets A-2 and A-3 of the building elevation drawings. Chain-link fencing is not approved for use in the outdoor sales or garden area.
58. Provide a signed City of Beaverton Trespass Agreement including signature of the property owner, or that signature of a Wal-Mart representative authorized by the property owner. The Agreement shall be submitted in a form acceptable to the City Attorney. (JO/Development Services)
59. Provide on-site parking lot and parking structure signing notifying customers and the public that overnight camping or similar trespass, is prohibited. (JO/Development Services)
60. Provide an easement granting public access along the site access road between Barnes Road and Choban Lane. (RW/ Transportation)
61. Record a provision preventing vehicular access to or from the site along SW Barnes Road and SW Cedar Hills Boulevard frontage, except at the proposed access points approved in conjunction with this land-use application. (RW/ Transportation)
62. Provide evidence that payment in the amount of \$62,500 has been made to the City of Beaverton as a contribution toward the future construction of a pathway under-crossing at the westbound on-ramp to Highway 26. (RW/ Transportation)
63. Complete construction of all improvements shown in Conditions 3 and 4. (RW/ Transportation)

64. Close the existing driveway from Tax Lot 1S103BA-01200 to Barnes Road. (RW/ Transportation)
65. Have substantially completed the site development improvements as determined by the City Engineer, streetlights being fully functional. (Site Development Div./JJD)
66. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at Site Development permit issuance. (Site Development Div./JJD)
67. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
68. Have obtained an Industrial Sewage Permit from the Clean Water Services District (CWS) and submitted a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div./JJD)
69. Have the covered parking drainage system containment and oil/water separator verified as being fully operational. Submit verification of appropriate sign installation and employee training regarding spill clean-up in the parking area and the function of the drainage system shut-off valve in addition to appropriate spill response supplies, such as absorbent material, being stored continuously on site. (Site Development Div./JJD)

Prior to release of performance security, the applicant shall:

70. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
71. Submit any required on-site easements, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)

72. Provide an additional performance security for 100 percent of the cost of twice-a-year (6-month interval) cleaning, maintenance, and filter recharge/replacement by Stormwater360, Inc., for the StormFilter cartridges for a two-year period, as determined by the City Utilities Engineer. Alternatively, provide evidence satisfactory to the City Utilities Engineer of a pre-paid service contract with Stormwater360, Inc., for maintenance of the StormFilters consisting of cartridge replacement and sediment removal per manufacturer's recommendations for a two year period from the date of performance acceptance of each respective system. (Site Development Div./JJD)
73. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation and slope stabilization within the storm drain outfall area, as determined by the City Engineer and Clean Water Services. If the plants are not well established (as determined by the City Engineer and City Operations Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Operations Director prior to release of the security. (Site Development Div./JJD)
74. Submit a report to the Director, prepared by a Lighting Engineer certified in the State of Oregon, that provides the results of at least one test of on-site illumination levels, and results of evaluation of views of direct and indirect glare from on-site and off-site locations within 100 feet of the property line, as measured against the applicable City Technical Lighting Standards of Table 60.05-1, of the Development Code. If in the event the test results show that the applicable Code standards are not met, the property owner shall submit to the City the following:
- (1) A report by the Lighting Engineer that identifies the shortcomings of the Lighting Plan in meeting the Technical Lighting standards, and which proposes specific installations or modifications of the Lighting Plan to ensure conformance to the Technical Lighting standards, and
 - (2) A performance security payable to the City of Beaverton, to cover the complete dollar cost of materials and labor necessary, plus 10 percent of the total cost, for the City to hire a private firm at prevailing Davis-Bacon wages, to install and modify such light poles, light fixtures and light shields as called for by the Lighting Engineers report under (1) above. Such performance security shall be held by the City for a period of sixty (60) days to allow the applicant, under the supervision of the lighting engineer, to perform the installations or modifications as called for by the

Lighting Engineer to meet the City Technical Lighting standards. After 60 days, the Director may use the performance security to ensure that measures are taken to ensure that on-site lighting meets the Technical Lighting Standards of Table 60.05-1. (Development Services / JO)